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AMENDMENTS

TO

PUBLIC AND HIGH SCHOOLS ACTS

SINCE 1901



PRINTED BY ORDER OF
THE EDUCATION DEPARTMENT OF ONTARIO



TORONTO:

Printed by L. K. CAMERON, Printer to the King's Most Excellent Majesty
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AN ACT TO AMEND THE EDUCATION DEPARTMENT ACT.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 7 of *The Education Department Act* is amended by adding thereto the following:—^{1 Edw. VII., c. 38, s. 7 (1) amended.}

“Also to apportion under the provisions of such regulations as may be made by Order in Council all sums of money voted by the Legislative Assembly for aiding public and separate school boards in rural districts to furnish certain text-books free of cost.”^{Apportionment of moneys for free text-books in rural districts.}

AN ACT TO AMEND THE PUBLIC SCHOOLS ACT.

Assented to 17th March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 21 of *The Public Schools Act* is amended by striking out the words “city or town” in the fourth, sixth and thirteenth lines and substituting therefor the words “urban municipality;” and by adding to the words “urban municipality” thus substituted in the thirteenth line the following words, “to pay for the conveyance of the pupils to such schools.”^{1 Edw. VII., c. 39, s. 21.}
^{Conveyance of pupils from rural school sections to urban schools.}

2. Section 41 of the said Act is hereby amended by adding to the first subsection the following: “or on request made in like manner to pass by-laws to consolidate two or more sections into one for the purpose of providing a central school. The trustees of the sections thus united shall continue to be trustees of the united section, but if deemed expedient the municipal council may by by-law limit the number of the school board to two members for each section, each trustee holding office for two years and one retiring annually by rotation. The trustees shall have all the powers ordinarily exercised by trustees of a rural school section, and in addition the power to meet the cost of conveyance of children to the central school established under the jurisdiction of the board.”^{1 Edw. VII., c. 39, s. 41, amended.}
^{Consolidation of two or more sections for central school.}

1 Edw. VII.,
c. 39, s. 61,
amended.

3.—(1) Section 61 of *The Public Schools Act* is amended by adding thereto the following subsections:—

Election of
trustees when
council elected
by general
vote.

(7) In cities and towns, until a resolution has been passed under the preceding subsection, the school trustees shall continue to be elected by wards notwithstanding that the aldermen or councillors are elected by a general vote and the division of any city or town into wards under any former provision of *The Municipal Act* or any special Act in force at the time of the abolition of wards for the purpose of municipal elections, shall be deemed to be continued for the purpose of the election of public school trustees.

(8) Where the board of trustees are elected by ballot the election of public school trustees in such city or town shall be conducted as nearly as may be in the same manner provided by section 61 of this Act and the officers for holding such election shall be appointed by the municipal council as if the election of councillors or aldermen by general vote had not been adopted or prescribed for such city or town.

(9) Where the election of trustees is not by ballot the election of public school trustees in such city or town shall take place as nearly as may be in accordance with the provisions of section 60 of this Act.

Proviso.

(2) Provided that nothing in this section contained shall affect the validity of any election of public school trustees heretofore held.

1 Edw. VII.,
c. 39, s. 63,
subs. 1,
amended.

4.—(1) Subsection 1 of section 63 of *The Public Schools Act* is amended by inserting therein after the word "trustee" in the second line the words "or as to the return made by any returning officer."

Subs. 2,
amended.

(2) Subsection 2 of the said section 63 is amended by inserting therein after the word "elected" in the second line the words "or may order a new election."

Section to be
retroactive.

(3) The amendments made by this section shall apply to elections heretofore held as well as to those held after the passing of this Act.

Manual training
and
domestic
science classes.

5.—(1) The Board of High School Trustees, the Board of Public School Trustees and the Board of Separate School Trustees or the Board of Education and the Board of Separate School Trustees or any of such boards in any city or town may enter into agreements for the formation and car-

rying on of classes for manual training and domestic science in connection with the work of the schools under the management of such boards, and for providing suitable buildings, apparatus and appliances for carrying on such classes, and the appointment of teachers therefor.

(2) The school corporations so agreeing may delegate the management and control of such classes and the buildings, apparatus and appliances used in connection therewith, to a joint committee composed of representatives of each of such school corporations, and any joint committee so appointed may procure from time to time such buildings, apparatus, appliances and material as may be deemed necessary for carrying on the said classes, and may engage teachers therefor.

(3) Each of the members of such joint committee shall hold office during the pleasure of the school corporation by which he is appointed.

(4) Every joint committee appointed under this section shall annually on or before the first day of February, furnish to each of the school corporations represented an estimate showing the amounts required for carrying on the work of such classes during the then current year, and such school corporations shall include in the estimates to be furnished to the council of the city or town the amount so required for the said classes, and the same may be included in the school rates of the municipality and levied and collected therewith.

6. Subsection 1 of section 74 of *The Public Schools Act* ^{1 Edw. VII., c. 39 s. 74, subs. 1, amended.} is amended by inserting therein after the word "thereto" in the fourth line the words "or repairs or improvements of the school property."

AN ACT TO AMEND THE PUBLIC SCHOOLS ACT.

Assented to 12th June, 1903.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 16 of *The Public Schools Act* is amended by ^{1 Edw. VII., c. 39 s. 16, amended.} striking out the words "with the consent, expressed in writing," in the fourth line, and inserting in lieu thereof the following words, "by giving notice in writing, of such resignation to each."

1 Edw. VII.,
c. 39, s. 41,
subs. 2
amended.

Union school
sections.

2. Subsection 2 of section 41 of *The Public Schools Act* is amended by adding after the word "section" in the 4th line the following words, "or to unite parts of existing sections so as to form a new section."

1 Edw. VII.,
c. 39, s. 54,
subs. 1,
amended.

3.—(1) Subsection (1) of section 54 of *The Public Schools Act* is amended by striking out the word "three" in the first line of the said subsection and inserting in lieu thereof the word "five."

Subs. 2,
amended.

(2) Subsection (2) of the said section is amended by striking out the word "three" in the last line of the said subsection and inserting in lieu thereof the word "five."

Subs. 3,
amended.

(3) Subsection (3) of the said section is amended by striking out the word "three" in the last line of the said subsection and inserting in lieu thereof the word "five."

Costs of
assessors and
arbitrators.

4. The cost of proceedings under the said section 54, including the fees of assessors and arbitrators, shall be borne and be paid by the municipality in which the union school section is situate, and in case such section includes portions of two or more municipalities the said cost shall be borne and be paid by the municipalities in the same proportion as the equalized assessments of the municipalities bear to each other.

1 Edw. VII.,
c. 39, s. 76,
subs. 1,
amended.

5. Subsection 1 of section 76 of *The Public Schools Act* is repealed and the following substituted therefor:—

Submission of
question to
vote of
electors.

(1) The municipal council of any urban municipality may, on the application of the board of public school trustees, pass a by-law for borrowing money by the issue and sale of debentures for the purchase of a school site or for the erection of a school house or any addition thereto or for the purchase or erection of a teacher's residence, which debentures and the money to be raised annually therefor shall be chargeable only upon the property of ratepayers who are supporters of public schools. Where the municipal council refuses to issue such debentures to raise or borrow the sum required for the said purposes, then the question shall be submitted by the municipal council, if requested by the board of trustees, to the vote of the electors qualified to vote under *The Municipal Act* for the creating of debts, and who are supporters of public schools, in the manner therein provided, and on the assent of such electors being obtained the council shall issue such debentures to raise or borrow such sum to be chargeable as aforesaid.

Rev. Stat.
c. 223.

1 Edw. VII.,
c. 39, s. 86,
subs. 8,
amended.

6. Subsection 8 of section 86 of *The Public Schools Act* is amended by striking out all the words of the subsection after the word "addition" in the third line, and substitut-

ing therefor the following words, "such sum annually for reasonable travelling expenses, as may be determined by the county council, but in no case shall the sum so paid be less than \$150 annually. Where the number of schools exceeds fifty there shall be paid annually the further sum of \$1.50 for each additional school up to one hundred and fifty."

7. Section 94 of *The Public Schools Act* is amended by adding the words "or Public School Inspector" after the word "teacher" in the 1st and 5th lines, and by adding after the word "trustees" in the 2nd line of the said section the words "in the case of a teacher and the county council, in case of a Public School Inspector," and by striking out the word "him" in the 2nd line and inserting in lieu thereof the words "the teacher or Public School Inspector as the case may be."

1 Edw. VII.,
c. 39, s. 94,
amended.

Retiring
allowance
to Inspectors.

AN ACT TO AMEND THE PUBLIC SCHOOLS ACT.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 21 of *The Public Schools Act*, as amended by section 1 of the Act passed in the second year of His Majesty's reign and chaptered 40, is further amended by adding after the words "urban municipality" wherever they occur in the said section the words "or school section," and by striking out the word "the" in the thirteenth line and inserting in lieu thereof the word "such."

1 Edw. VII.,
c. 39, s. 21,
amended.

Admission of
pupils of rural
school sections
to urban
schools, etc.

2.—(1) Subsection 2 of section 34 of *The Public Schools Act* is amended by striking out all the words therein after the word "meeting" in the seventh line of the said subsection and inserting in lieu thereof the words "shall make and publish their award, and may in and by the said award approve of the site so selected by the said trustees or may change the boundaries of the same or may select such other site as the said arbitrators or the majority of them present as aforesaid may deem more suitable for the purpose."

1 Edw. VII.,
c. 39, s. 34, subs.
2, amended.

Award of
arbitrators as to
site for rural
school.

(2) Section 34 of *The Public Schools Act* is amended by adding the following as subsection 4:—

1 Edw. VII.,
c. 39, s. 34,
amended.

(4) No action at law to set aside any award made under this Act shall be undertaken by, or at the instance of, the trustees of any rural school section without the consent of

Consent of
majority of
ratepayers to
action to set
aside award.

the majority of the ratepayers of the section present at a special meeting duly called to consider the advisability of such action at law being undertaken.

1 Edw. VII.,
c. 39, s. 41,
amended.

3. The paragraph numbered 1 in section 41 of *The Public Schools Act* as amended by section 2 of the Act passed in the second year of His Majesty's reign, and chaptered 40, is further amended by adding at the end thereof the following words:—

Proviso.

“Provided that when all the school sections in a township have been consolidated the municipal council may limit the number of trustees constituting the public school board to six, after at least one month's notice in writing has been given to the Secretary of the Public School Board of the intention to consider a resolution to that effect.”

1 Edw. VII.,
c. 39, s. 45,
amended.
School sections
existing 1st
April, 1904,
deemed legally
formed.

4. Section 45 of *The Public Schools Act* is amended by striking out “1901” in the second line and inserting in lieu thereof “1904.”

1 Edw. VII.,
c. 39, s. 46,
subs. 2,
amended.
Award of arbit-
rators as to
formation,
etc., of union
school section.

5. The paragraph numbered 2 of section 46 of *The Public Schools Act* is amended by adding at the end thereof the following: “And the arbitrators or a majority of them present at any lawful meeting shall have authority to make and publish an award.”

1 Edw. VII.,
c. 39, s. 46,
amended.

6. Section 46 of *The Public Schools Act* is amended by adding thereto the following paragraph:—

New arbitra-
tion after
expiration of
three years.

12. “In case any award of arbitrators forming or refusing to form a new union school section has not been acted upon, or has been adjudged illegal or void by the court or judge, the proceedings in subsection 1 of this section may be taken at any time after the expiration of three years from the date of such award.”

1 Edw. VII.,
c. 39, s. 83,
amended.

7. Section 64 of *The Public Schools Act* is amended by adding thereto the following subsection:—

Member
assessed for
largest sum to
have a casting
vote in case of
a tie on any
question in
Public School
Board.

(5) In cities, towns and incorporated villages in every question (other than the election of a chairman) arising at a meeting of the Board on which there is an equality of votes, if no decision is arrived at during the same meeting or after the Board has voted twice on the question at a second meeting specially called for that purpose, the member who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member of the Board.

1 Edw. VII.,
c. 39, s. 82,
subs. 1 and 2,
amended.

8. Section 82 of *The Public Schools Act* is amended by inserting after the word “second” in the fourth line of the first subsection the word “interim,” and inserting

after the word "conduct" in the third line of the second subsection the words "interim certificates shall be valid for two years." Interim certificates.

9. Section 83 of *The Public Schools Act* is amended by adding thereto the following subsection:— 1 Edw. VII., c. 39, s. 64, amended.

(6) The council of any city or town separated from the county shall pay to the treasurer of the county in which such city or town is situate such proportion of the per diem allowance and other expenses mentioned in subsections 3 and 4 of this section as may be agreed upon or as may be fixed by the order of the judge of the county court of the county on application made to him on behalf of such county or city or separated town. Cities and separated towns to contribute to expenses of board of examiners.

10. Subsection 2 of section 84 of *The Public Schools Act* is amended by striking out the words "the county board of examiners may, with the approval of" in the 4th and 5th lines and inserting in the 5th line after the word "Department" the word "may." 1 Edw. VII., c. 39, s. 84, subs. 2, amended. Discontinuance of model schools.

11. Subsection 8 of section 86 of *The Public Schools Act* is amended by striking out "\$5" in the second line and inserting in lieu thereof "\$6." 1 Edw. VII., c. 39, s. 86, subs. 8, amended. Inspector's allowance for each room with separate teacher.

12. Subsection 10 of section 86 of *The Public Schools Act* is amended by striking out "\$5" in the first line and inserting in lieu thereof "\$6." and by striking out the words "a similar sum" in the 5th line and inserting in lieu thereof "\$5" for every such teacher. 1 Edw. VII., c. 39, s. 86, subs. 10, amended. Grants in aid of Inspector's salary.

13. Section 86 of *The Public Schools Act* is amended by adding the following as subsection 10a:— 1 Edw. VII., c. 39, amended.

(10a) No county inspector shall receive remuneration under any of the subsections of this section, in respect of more than 120 schools; provided, however, that the salary of no county inspector already appointed shall be lessened unless his schools are decreased in number. Remuneration of county inspectors.

14. *The Public Schools Act* is amended by adding thereto the following section:— 1 Edw. VII., c. 39, amended.

93a. The Public School Board or the Board of Education, as the case may be, of any city or town may make such annual grant as they deem proper, out of the school funds, to aid in the establishment of a superannuation fund for the public school teachers of such city or town. Grant to superannuation fund by board.

15. Subsection 4 of section 96 of *The Public Schools Act* is amended by striking out all the words in the first line 1 Edw. VII., c. 39, s. 96, subs. 4, amended.

Holidays in
rural schools.

and the words, "of Haliburton" in the second line and inserting in lieu thereof the words "with the approval of the Public School Inspector."

1 Edw. VII.,
c. 39. amended.

16. *The Public Schools Act* is amended by inserting therein the following as section 27a:—

Assessment of
portion of
unorganized
township
forming part
of union
school section.

27a.—(1) Any portion of an unorganized township which forms part of a union school section, the remaining portion of which is an organized municipality or part of an organized municipality, shall for school purposes be deemed to be annexed to such organized municipality and the officers of such organized municipality shall make all assessments and collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the portion of the unorganized township forming part of such union school section as with respect to any part thereof which lies within the organized municipality.

(2) Every person of the full age of 21 years assessed as a public school supporter in an unorganized township under the preceding subsection shall be entitled to vote at any election of school trustees or on any school question in such union school section.

Township
council
authorized to
establish
second school
in section
during part of
year under
certain con-
ditions.

17.—(1) In case it appears to the council of any township that owing to the condition of the roads or other causes the public school in any school section in such township is inaccessible to any of the pupils entitled to attend such school during certain months of the year, the council may by by-law to be passed not later than the first day of June in any year provide for the establishment of a second school in such section to be opened during such months of the year as the council may deem advisable, and may prescribe the area within which pupils reside who shall have the right to attend such second school.

Clerk to send
copy of by-law
to trustees.

(2) The township clerk shall transmit forthwith a copy of such by-law and minutes relating thereto to the trustees of the school section affected thereby and to the public school inspector.

Rights of
Appeal.

(3) There shall be the same right to appeal against the neglect or refusal of the township council to pass such by-law as is provided by subsection 1 of section 42 of *The Public Schools Act* in the case of neglect or refusal to form, unite, divide or alter the boundaries of a school section, and the provisions of the said section respecting the time of appeal, the apportionment and qualification of arbitrators and the time when the award shall take effect and its duration and as to notice of the award shall apply to every such appeal.

(4) In case of arbitration to determine the matter in question on the appeal, the arbitrators may provide in their award for the establishment and location of such second school and the area within which pupils reside who shall have the right to attend the same, and the period in each year during which such school shall be open. Arbitration, terms of.

(5) The provisions of subsection 1 of section 96 of the said Act shall not apply to a school established under this section, but nothing herein contained shall be deemed to relieve the pupils attending such second school from attendance at the public school of the school section during those periods of the school year in which such second school is closed, nor to relieve the trustees of such school section from the duty of providing school accommodation for such pupils during such periods. Attendance at school when second school closed.

AN ACT RESPECTING BOARDS OF EDUCATION IN CERTAIN CITIES.

Assented to 12th June, 1903.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In every city having 100,000 inhabitants or more, in lieu of the board of public school trustees and the board of high school trustees and the board of management of technical schools heretofore elected or appointed in such city there shall be a board to be styled "The Board of Education for the City of....." (naming the city) which shall possess all the powers and shall perform all the duties heretofore possessed and performed by the boards of high schools trustees and public school trustees and the board of management of technical schools in such city, and upon the organization of the said Board of Education all the property vested in the board of public school trustees and the board of high school trustees and the board of management of technical schools in such city shall become vested in the Board of Education and all debts, contracts and agreements for which the said respective boards were liable shall become obligations of the Board of Education. Boards of education in cities of 100,000 inhabitants.

2. The said Board of Education shall be composed as follows:— Constitution of Board.

(1) Twelve members to be elected by a general vote of the persons qualified to vote at elections for members of a public school board in such city, and two members to be appointed by the separate school board of such city.

Mode of
election.

(2) The members to be elected as aforesaid shall be elected by general vote of the persons qualified to vote for public school trustees in any such city and the election shall be held at the same time and place and by the same returning officer and shall be conducted in the same manner as the election of mayor; and, save as otherwise provided by this Act, all the provisions of *The Public Schools Act* respecting the election of trustees by ballot shall apply to the said election of members of the Board of Education, but no person shall vote more than once for members of the said Board.

1 Edw. VII.,
c. 39.

(3) Each person qualified to vote as aforesaid shall be entitled to as many votes as there are members to be elected to the said Board and may at his option give one, two or three votes (but not more than three votes) for one or more candidates so long as the whole number of votes given by him does not exceed the number of members to be elected to the said Board.

Where the voter desires to give one, two, or three votes as aforesaid he shall place one cross thus X or two crosses thus X X or three crosses thus X X X on the right hand side opposite the name of the candidate or candidates for whom he votes; but except in the case aforesaid no person shall give more than one vote for one candidate.

Term of
office of elected
members.

(4) At the first election under this Act, twelve members of the said Board shall be elected, and six of the members so elected who receive the highest number of votes shall continue in office for two years thereafter and until their successors have been elected under this Act, and the new Board organized and the remaining six shall continue in office for one year and until their successors have been elected under this Act and the new Board organized.

(5) At each annual election after the first, six members shall be so elected for two years to fill the places of members retiring.

Determining
question of
retirement
where two
members have
equal number
of votes.

3 In case by reason of two or more members receiving an equal number of votes at the first election, the question of the retirement of one or more of them at the end of the first year is in doubt, and in case no agreement as to which of such members shall retire is reached at the first meeting of the board, then at the next meeting the question shall be determined by lots to be cast by the secretary or secretary-treasurer in the presence of the Board, and the result shall be entered upon the minutes of the Board. The six members retiring shall be eligible for re-election.

Vacancies
among elected
members.

4. In case the office of an elected member becomes vacant from any cause, the remaining members of the Board shall at the first meeting after such vacancy occurs, elect

some duly qualified person to fill such vacancy, and the person so elected shall hold his seat for the remainder of the term for which his predecessor was elected.

5.—(1) The appointment of the members to the said Board by the separate school board shall be made at the first meeting of the separate school board in the year 1904, and at its first meeting in every second year thereafter. Appointment by separate school board.

(2) The member so appointed shall hold office for two years and until his successor is appointed and shall be eligible for re-appointment. Term of office of appointed member.

6. No member of the separate school board shall be eligible for appointment or election as a member of the said Board. Members of Separate School Board not eligible.

7. In case any person appointed to said Board of Education by the separate school board shall die, resign or remove from the municipality or vacate his office before the expiration of the term for which he is appointed, the vacancy so caused shall be filled forthwith by the separate school board, and the person appointed to fill such vacancy shall hold office for the unexpired term of the person whose place became vacant as aforesaid. Vacancy in representation of Separate School Board.

8. The first meeting of the said Board of Education in each year shall be held at the hour of seven o'clock in the afternoon of the fourth Wednesday in January. First meeting of Board.

9. At the first meeting of the said Board in every year the members of the Board shall elect a chairman, and at the first meeting held after the passing of this Act the Board shall also elect a secretary and treasurer or a secretary-treasurer who shall hold office until removed by the Board. Chairman, secretary, treasurer.

10. A majority of the members of the Board shall form a quorum. Quorum.

11. In case of an equality of votes at the election of chairman the member who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member of the Board. Equality of votes in election of chairman.

12. The chairman of the Board may vote with the other members of the Board on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. Chairman to vote and tie to negative questions.

13. The members appointed by the separate school board shall not vote or otherwise take part in any of the proceedings of the Board of Education affecting the public schools. Representative of separate schools not to vote on public school matters.

Qualification
of members.

14. No person shall be elected to ~~the~~ Board of Education who is not qualified to be elected as a trustee of a public school board under *The Public Schools Act*.

Disqualifica-
tion.

1 Edw. VII.,
cc. 39, 40.

15. The provisions of *The Public Schools Act* and *The High Schools Act* respecting the disqualification of persons from being elected or appointed to, and from sitting and voting as members of the said boards respectively, shall apply to the said Board of Education as if the said Board was named therein instead of the board of high school trustees or board of public school trustees respectively.

Board to be a
corporation.

16.—(1) Every Board of Education constituted by this Act shall be a corporation by the name of "The Board of Education of the City of" (naming the city) and shall have and possess all the powers usually possessed by corporations so far as the same are necessary for carrying out the purpose of this Act and of *The Public Schools Act* and of *The High Schools Act* and of *The Act respecting the Technical Schools* and of all amendments to the said Acts and of any by-law of the municipality establishing or relating to a technical school.

1 Edw. VII.,
cc. 39, 40.
Rev. Stat.
c. 301.

First election
of members
of Board.

(2) The first election of members for the Board of Education under this Act shall take place at the time of holding the next ensuing municipal elections for 1904; but nothing in this Act contained shall affect the public school board or high school board or the board of management of technical schools in such city for the year 1903.

Appointment
of inspectors.

17. The Board of Education of every city to which this Act applies shall appoint an inspector of the public schools for such city. When the teachers in charge of separate departments engaged by such Board exceed three hundred in number, the Board shall appoint two inspectors, and likewise an additional inspector for every three hundred teachers on the staff above six hundred.

Division of
city into ter-
ritorial dis-
tricts accord-
ing to number
of inspectors.

18. In the event of more public school inspectors than one being appointed, the Board of Education shall divide the city into as many territorial divisions as there are inspectors, and assign one inspector to each division, and may change inspectors from one division to another, but no territorial division so made shall contain more teachers in charge of separate departments than the number prescribed in section 17 hereof; or, at its discretion, the Board may designate such officers, "chief inspectors" and "inspectors," and may prescribe the duties of each, provided always that the duties so prescribed shall not be inconsistent with the provisions of *The Public Schools Act* in that behalf.

19. The Board of Education may make such modification of the prescribed high school courses of study to be undertaken in each of the high schools under its jurisdiction as it deems expedient, and may provide for special or advanced instruction in any of such courses, and may designate such schools, or any one of them, as English, Science Commercial, Technical or Classical High Schools, according to the course or courses of instruction provided for each, but all such courses must be approved by the Minister of Education, and the accommodation and equipment of the school and the qualifications of the staff be subject to the regulations of the Education Department.

Provision for special and advanced courses of instruction in high schools.

20. This Act shall be read with and as part of *The Public Schools Act* and *The High Schools Act* and of *The Act respecting Technical Schools*, and the said Acts are hereby amended to conform to the provisions hereinbefore contained.

Act incorporated with 1 Edw. VII., c. 39, 40, and Rev. Stat., c. 301.

21. Section 10 of the Act passed in the fifty-fourth year of the reign of Her late Majesty Queen Victoria, chaptered 82, is repealed.

54 V. c. 82, s. 10, repealed.

AN ACT TO AMEND THE ACT RESPECTING BOARDS OF EDUCATION IN CERTAIN CITIES.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 8 of *The Act respecting Boards of Education in certain Cities* is amended by striking out the word "seven" in the second line, and inserting in lieu thereof the word "eight;" and by striking out the words "fourth Wednesday" in the third line, and inserting in lieu thereof the words "Thursday after the first Monday;" and by adding at the end of the said section the following words: "in the board room provided for the Board of Education in the Municipal Building."

3 Edw. VII., c. 31, s. 8, amended.

Time and place of first meeting of Board.

2. Section 12 of the said Act is amended by inserting after the word "questions" in the second line, the following words: "upon which as a member of the Board, he is entitled to vote."

3 Edw. VII., c. 31, s. 12, amended.

Vote of chairman.

3 Edw. VII.,
c. 31, s. 13,
amended.

Separate
School repre-
sentatives not
to vote on
public school
matters.

3 Edw. VII.,
c. 31, s. 16,
amended.

3. Section 13 of the said Act is amended by inserting the word "exclusively" after the word "Education," in the third line of the said section.

4. Section 16 of the said Act is amended by striking out the word "of" where it first occurs in the third line, and inserting in lieu thereof the word "for."

AN ACT RESPECTING BOARDS OF EDUCATION IN CERTAIN CITIES, TOWNS AND VILLAGES.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Boards of
Education in
cities of less
than 100,000
inhabitants,
towns and
villages.

1.—(1) The council of any city having less than 100,000 inhabitants and the council of any town or incorporated village not included in a high school district may, on or before the first day of October in any year at a meeting specially called for the purpose, by resolution declare that it is expedient that the board of public school trustees and the board of high school trustees or board of education (in case the public and high school boards have been united) and the board of management of technical schools, if any, of such city, town or incorporated village should be amalgamated and a Board of Education elected in lieu thereof as provided by this Act.

(2) In pursuance of the resolution passed under subsection 1 of this section in lieu of the board of public school trustees and the board of high school trustees and the board of education (in case the public and high school boards have been united) and the board of management of technical schools, if any, theretofore elected or appointed in such city, town or village there shall be a board to be styled "The Board of Education for the City, Town or Village of," (*naming the city, town or village*) which shall possess all the powers and perform all the duties theretofore possessed and performed by the boards of high school trustees and public school trustees or board of education (in case the public and high school boards have been united) and the board of management of technical schools of such city, town or village, and upon the organization of the said Board of Education all the property vested in the board of public school trustees and the

board of high school trustees or board of education (in case the public and high school boards have been united) and the board of management of technical schools of such city, town or village shall become vested in the Board of Education and all debts, contracts and agreements for which the said respective boards were liable shall become obligations of the Board of Education.

2. The said Board of Education shall be composed as follows:— Composition of board.

(1) In cities having more than 50,000 but less than 100,000 inhabitants, twelve members to be elected and two to be appointed by the separate school board of such city. In cities having less than 50,000 inhabitants, nine members to be elected and one to be appointed by the separate school board of such city. In towns and incorporated villages not included in a high school district seven members to be elected and one member to be appointed by the separate school board, if any, of such town or village.

(2) The members to be elected as aforesaid shall be elected by general vote of the persons qualified to vote for public school trustees in any such city, town or village and the election shall be held at the same time and place and by the same returning officer and shall be conducted in the same manner as the election of mayor; and, save as otherwise provided by this Act, all the provisions of *The Public Schools Act* respecting the election of trustees by ballot shall apply to the said election of members of the Board of Education, but no person shall vote more than once for members of the said Board. Mode of election.

(3) Each person qualified to vote as aforesaid shall be entitled to as many votes as there are members to be elected to the said Board but may not give more than one vote to any one candidate. Number of votes for candidates.

(4) At the first election under this Act, the full number of members of the said Board shall be elected, and one-half of the members so elected, where the number of elected members is an even number, and the next number of elected members higher than one-half when the number of elected members is an odd number who receive the highest number of votes shall continue in office for two years thereafter and until their successors have been elected under this Act, and the new Board organized and the remaining members shall continue in office for one year and until their successors have been elected under this Act and the new Board organized. Term of office of elected members.

(5) At each annual election after the first, a sufficient number of members shall be so elected for two years to fill Elections to fill places of members retiring.

the places of members retiring. The members retiring shall be eligible for re-election.

Determining
question of
retirement
where two
members have
equal number
of votes.

3. In case by reason of two or more members receiving an equal number of votes at the first election, the question of the retirement of one or more of them at the end of the first year is in doubt, and in case no agreement as to which of such members shall retire is reached at the first meeting of the Board, then at the next meeting the question shall be determined by lots to be cast by the secretary or secretary-treasurer in the presence of the Board, and the result shall be entered upon the minutes of the Board.

Vacancies
among elected
members.

4. In case the office of an elected member becomes vacant from any cause, the remaining members of the Board shall, at the first meeting after such vacancy occurs, elect some duly qualified person to fill such vacancy, and the person so elected shall hold his seat for the remainder of the term for which his predecessor was elected.

Appointment
by separate
school board.

5.—(1) The appointment of a member or members to the said Board by the separate school board shall be made at the first meeting of the separate school board in the year in which the first election of members is held under this Act and at its first meeting in every second year thereafter.

Term of office
of appointed
member.

(2) Any member so appointed shall hold office for two years and until his successor is appointed, and shall be eligible for re-appointment.

Members of
separate school
board not
eligible.

6. No member of the separate school board shall be eligible for appointment or election as a member of the said Board.

Vacancy in
representation
of separate
school board.

7. In case any person appointed to the said Board of Education by the separate school board shall die, resign or remove from the municipality or vacate his office before the expiration of the term for which he is appointed, the vacancy so caused shall be filled forthwith by the separate school board, and the person appointed to fill such vacancy shall hold office for the unexpired term of the person whose place became vacant as aforesaid.

First meeting
of board.

8. The first meeting of the said Board of Education in each year shall be held at the hour of eight o'clock in the afternoon of the Thursday after the first Monday in January at the usual place of meeting of the former public school board.

Chairman,
secretary,
treasurer.

9.—(1) At the first meeting of the said Board in every year the members of the Board shall elect a chairman, and at the first meeting held after the passing of this Act the

Board shall also elect a secretary and treasurer or a secretary-treasurer who shall hold office until removed by the Board.

(2) The secretary or secretary-treasurer for the previous year shall preside at the first meeting of the Board until the chairman is elected, or if there be no secretary or secretary-treasurer then such member of the Board shall preside as may be appointed for that purpose.

Secretary to preside at first meeting until chairman elected.

10. A majority of the members of the Board shall form a quorum.

11.—(1) In case of an equality of votes at the election of chairman the member who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member of the Board.

(2) In case of an equality of votes on any other question, if no decision is arrived at during the same meeting or after the Board has voted twice on the question at a meeting specially called for that purpose, the member of those entitled as members to vote on the question, who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member of this Board.

Equality of votes in election of chairman.

12. The chairman of the Board may vote with the other members of the Board on all questions.

Vote of chairman.

13. The member or members appointed by the separate school board shall not vote or otherwise take part in any of the proceedings of the Board of Education exclusively affecting the public schools.

Representative of separate schools not to vote on public school matters.

14. No person shall be elected to the Board of Education who is not qualified to be elected as a trustee of a public school board under *The Public Schools Act*.

Qualification of members.

15. The provisions of *The Public Schools Act* and *The High Schools Act* respecting the disqualification of persons from being elected or appointed to, and from sitting and voting as members of the said boards respectively, shall apply to the said Board of Education as if the said Board was named therein instead of the board of high school trustees or board of public school trustees respectively.

Disqualification.
1 Edw. VII.
cc. 39, 40.

16.—(1) Every Board of Education constituted by this Act shall be a corporation by the name of "The Board of Education for the City, Town or Village of"
(naming the city, town or village) and shall have and

Board to be a corporation.

1 Edw. VII.,
cc. 39, 40.
Rev. Stat.,
c. 301.

possess all the powers usually possessed by corporations so far as the same are necessary for carrying out the purposes of this Act and of *The Public Schools Act* and of *The High Schools Act* and of *The Act respecting Technical Schools* and of all amendments to the said Acts and of any by-law of the municipality establishing or relating to a technical school.

First election
of members
of board.

(2) The first election of members for the Board of Education under this Act shall take place at the time of holding the next ensuing municipal elections for the year following the passing of the resolution mentioned in section 1 of this Act; but nothing in this Act contained shall affect the public school board or high school board or board of education (in case the public and high school boards have been united) or the board of management of technical schools of such city, town or village for the year in which the said resolution has been passed.

Appointment
of inspectors.

17. The Board of Education of every such city or town separated from the county shall appoint an inspector of the public schools for such city or town.

Provision for
special and
advanced
courses of
instruction in
high schools.

18. The Board of Education may make such modification of the prescribed high school courses of study to be undertaken in each of the high schools under its jurisdiction as it deems expedient, and may provide for special or advanced instruction in any of such courses, and may designate such schools, or any one of them, as English, Science, Commercial, Technical or Classical High Schools, according to the course or courses of instruction provided for each, but all such courses must be approved by the Minister of Education, and the accommodation and equipment of the school and the qualifications of the staff be subject to the regulations of the Education Department.

Act incorpor-
ated with
1 Edw. VII.,
cc. 39, 40 and
Rev. Stat.,
c. 301.

19. This Act shall be read with and as part of *The Public Schools Act* and *The High Schools Act* and of *The Act respecting Technical Schools* and the said Acts are amended to conform to the provisions hereinbefore contained.

AN ACT TO AMEND THE ACT RESPECTING BOARDS OF EDUCATION IN CERTAIN CITIES, TOWNS AND VILLAGES.

Assented to 14th May, 1906.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 1 of *The Act respecting Boards of Education in certain Cities, Towns and Villages* is amended by adding thereto the following words: "When the board of public school trustees and the board of high school trustees have already been united in any such city; town or incorporated village, the council of such municipality may by resolution declare that it is expedient that such Board of Education shall be constituted and elected under section 2 of this Act, instead of being elected and appointed under *The Public Schools Act*, and *The High Schools Act*, and thereupon such Board of Education may be elected under section 2 of this Act."

4 Edw. VII.,
c. 33, s. 1,
subs. 1,
amended.

1 Edw. VII.
c. 39.

1 Edw. VII.,
c. 40.

AN ACT TO AMEND THE HIGH SCHOOLS ACT.

Assented to 17th March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 7 of section 34 of *The High Schools Act* is amended by striking out the word "may" in the 4th line of the said subsection and inserting in lieu thereof the word "shall."

1 Edw. VII.,
c. 40, s. 34,
subs. 7,
amended.

2. The said section 34 is further amended by adding thereto the following subsections:—

1 Edw. VII.,
c. 40, s. 34,
amended.

(8) In adjusting the liability of the county for the maintenance of county pupils in attendance at any high school situate in any town separated from the county, the county council (or in case of disagreement the county judge) shall deduct from the amount for which the county is liable for maintenance in such cases such amount as the municipality so separated from the county would have paid towards such grant had such municipality formed part of the county.

Deduction in
case of town
separated from
the county.

Payments by
county for
non-resident
and county
pupils in city
or town.

(9) Subject to the deduction provided for in subsection 8 of this section when the trustees of any high school in a village, town or city adjacent to a county or in a town separated from a county have notified the county clerk that such high school is open to non-resident and to county pupils on the same terms as resident pupils, the county council shall in all cases pay for the maintenance of county pupils at such high school or schools a sum equal to eighty per cent. of the average cost of the yearly maintenance of pupils at such high school, provided that this subsection shall not apply to cities having a population of 100,000 or over.

Additional aid
to high schools
by county.

(10) Any county council may by a two-thirds vote give additional aid to any one or more high schools or collegiate institutes in the county without giving such aid to all the high schools in said county.

1 Edw. VII.,
c. 40, s. 38,
subs. 1,
amended.

3. Subsection 1 of section 38 of the said Act is amended by striking out all the words in the said subsection after the word school in the fifth line, and inserting in lieu thereof the words, "and the council of any county may by a two-thirds vote of the members thereof pass by-laws from time to time for granting additional aid to any one or more of the high schools in the county without making a similar provision for the other high schools therein."

1 Edw. VII.,
c. 40, s. 32,
amended.

4. Section 32 of *The High Schools Act* is amended by adding thereto the following subsections:

Scholarships
for public and
separate school
pupils.

(4) The board of trustees of any high school or collegiate institute may annually award a number of free scholarships to the pupils of the public or separate schools situate within the municipality. The number of said scholarships shall be fixed by the high school or collegiate institute board, and the said board may award the same by competitive examinations or otherwise and shall have full power to prescribe the tenure of said scholarships and vote money for the expenses of holding any examination therefor. Such scholarships shall be awarded only to a ratepayer of the municipality or municipalities contributing to the maintenance of such high school or collegiate institute.

(5) The board of trustees of any high school or collegiate institute may annually award a number of free scholarships not to exceed six per high school or collegiate institute on the results of form or other examinations within the said high school or collegiate institute, said scholarships to entitle the holder to not more than one year's free tuition in said high school or collegiate institute, and the high school or collegiate institute board may make all necessary rules and regulations regarding these scholarships.

5. Section 11 of *The High Schools Act* is amended by adding thereto the following paragraph:—

1 Edw. VII.,
c. 40, s. 11,
amended.

The board of trustees of any high school or collegiate institute may annually vote a sum of money not exceeding \$300 in cities of 100,000 or more and not exceeding \$150 in other municipalities for the encouragement of athletics and the expenses of school games.

Grants for
athletics.

6. Subsection 2 of section 38 is amended by adding thereto the following:—

1 Edw. VII.,
c. 40, s. 38,
sub. 2,
amended.

“But in such case each county forming such union”
“shall pay for the maintenance of pupils resident in it”
“who attend any high school situated in any other of”
“the united counties.”

Maintenance
of county
pupils in
unions of
counties.

AN ACT TO AMEND THE HIGH SCHOOLS ACT.

Assented to 12th June, 1903.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 6 of section 34 of *The High Schools Act* is amended by striking out the word “the” immediately following the word “pay” in the sixth line thereof, and inserting the following words, “a sum equal to eighty per cent. of the average annual,” and by adding after the word “schools” in the seventh line the following words, “provided that this subsection shall not apply to cities having a population of 50,000 or over.”

1 Edw. VII.
c. 40, s. 35,
subs. 6,
amended.

2. Subsection 7 of section 34 of *The High Schools Act* and subsections 8, 9, and 10 of the said section as enacted by section 2 of the Act passed in the second year of His Majesty’s reign, chaptered 42, are repealed and the following subsections substituted therefor:—

1 Edw. VII.,
c. 40, s. 34,
subs. VII.
2 Edw. VII.,
c. 42.

(7) When the trustees of any high school in a village, township, town, or city have notified the clerk of any county, adjacent to that in which the high school is situated, that such high school is open to pupils resident in such adjacent county on the same terms as to county pupils, the council of such adjacent county shall in all cases pay for the maintenance of pupils from such county attending such high school a sum equal to 65 per cent. of the average cost of the yearly maintenance of pupils at

Maintenance
of county
pupils in city
town and
village high
schools.

such high school, after deducting the amount of the Government grant to such high school, and the fees payable by such pupils thereat, but this subsection shall not apply to cities having a population of 50,000 or over.

Additional aid to high schools by county.

(8) The council of any county may by a two-thirds vote give additional aid to any one or more high schools or collegiate institutes in the county without giving such aid to all the high schools in such county.

1 Edw. VII., c. 40, s. 36, amended.

3. Section 36 of *The High Schools Act* is amended by striking out the words "made on or before the first day of August in each year" in the sixth and seventh lines of the said section.

AN ACT TO AMEND THE HIGH SCHOOLS ACT.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1 Edw. VII., c. 40, s. 36, amended.

1. Section 16 of *The High Schools Act* is amended by adding thereto the following as paragraph 11:—

Trustees may collect a fee from parents for books, etc.

11. To collect at their discretion, from the parents or guardians of the pupils attending school, a sum not exceeding twenty-five cents per month per pupil, to defray the cost of text-books and other school supplies; or to purchase, for the use of pupils, text-books and other school supplies at the expense of the corporation.

1 Edw. VII., c. 40, s. 34.

2. Section 34 of *The High Schools Act* is amended by adding thereto the following subsection:—

Contribution by city council to cost of maintenance of pupils at school in adjoining municipality.

(9) When the trustees of any high school situate in a municipality contiguous to a city shall give notice to the city clerk that such high school is open to city pupils on the same terms as it is open to the resident pupils of the municipality in which the high school is situate, the city council shall in all such cases pay to the high school board a sum equal to 80 per cent. of the average annual cost of maintenance.

This subsection shall come into force and take effect on, from and after the 1st day of January, 1905.

AN ACT RESPECTING THE DEPARTMENT OF EDUCATION.

Assented to 14th May, 1906.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Department of Education Act*. Short title.

2.—(1) There shall continue to be a Department of Education which shall consist of the Executive Council, or a committee thereof, appointed by the Lieutenant-Governor; and one of the said Executive Council or of such committee, to be nominated by the Lieutenant-Governor, shall hold the office of "Minister of Education." Department of Education continued.

(2) The Lieutenant-Governor in Council may appoint a Superintendent of Education, who shall hold office during pleasure, and who shall be paid such salary as shall be from time to time appropriated for that purpose. Superintendent of Education.

3. Subject to any statute in that behalf the Department of Education shall have the management and control of the following, namely: Kindergartens, Public and Separate Schools, High Schools and Collegiate Institutes, Art Schools, Model Schools, Normal Schools, Ontario Normal College, Teachers' Institutes, Public Libraries, Continuation Classes, Technical Schools, Manual Training Departments, Household Science Departments, Night Schools, School Gardens, the Brantford Institute for the Blind, and the Belleville Institute for the Deaf and Dumb; with power to appoint such inspectors, teachers and other officers for instruction and supervision as may be deemed expedient. The Department of Education may also appoint a Registrar of the Advisory Council of Education. Jurisdiction of the Department.

4. The Department of Education shall have power, subject to the provisions of any Statute in that behalf, to make regulations:— Power to make Regulations.

(1) For the classification, organization, government, courses of study, and examination of all schools, Continuation Classes, Manual Training Departments, Household Science Departments, School Gardens, and Institutes hereinbefore mentioned, and for the equipment of school-houses and the arrangement of school premises and for determining the fees to be paid by candidates and to presiding officers at departmental examinations; Classification and government of schools.

Text-books
and books of
reference.

(2) For the authorization of text-books for the use of pupils and of teachers in training attending such Schools, Continuation Classes, Departments, School Gardens, and Institutes, and for the selection of books of reference for the use of teachers and pupils and for the management of public and school libraries;

Qualification
and duties of
inspectors,
teachers, etc.

(3) For determining the qualification and duties of inspectors, examiners and teachers of such Schools, Continuation Classes, Departments, School Gardens and Institutes, and for the appointment from time to time of such examiners as may be requisite for that purpose, and for prescribing the duties of the presiding officers at the examinations;

Superannua-
tion—distribu-
tion of legisla-
tive grant.

(4) For the payment of the allowances of superannuated inspectors and teachers, and the distribution of all moneys set apart by the Legislative Assembly for educational purposes, including sums appropriated for the maintenance of cadet corps, and grants to Historical Societies and Literary and Scientific Institutions;

Extending
certificates.

(5) For extending on such evidence as to efficiency as may be deemed necessary, any certificate issued under the authority of *The Public Schools Act*;

Affiliating high
schools, etc.,
with normal
schools.

(6) For affiliating with the Ontario Normal College or the Normal Schools, such High Schools or Collegiate Institutes or Public Schools as may be necessary for practical instruction in the art of teaching;

Accepting
examinations
of normal
schools, etc.,
in British
Dominions.

(7) For accepting, on the recommendation of the Advisory Council constituted under this Act, in lieu of the departmental non-professional examinations, the examination of any normal school or of any university in the British Dominions; and for accepting such evidence of professional scholarship, training, or experience, as may be deemed equivalent to what is prescribed for teachers' certificates;

Setting apart
separate
schools for
model school
purposes.

(8) For setting apart a separate school in any city or county as a model school for the training of teachers for separate schools, and in such case, appointing a competent person possessing the qualifications prescribed by *The Public Schools Act*, to be a member of the county board of examiners of such city or county in addition to the number now authorized;

Conduct of
business of
advisory
council.

(9) For the conduct of the business of the Advisory Council of Education hereinafter mentioned.

ADVISORY COUNCIL OF EDUCATION.

Advisory
Council of
Education
established.

5. There shall be established an Advisory Council of Education composed of twenty members as follows:—

- (a) The President of the University of Toronto for the time being, who shall be chairman *ex-officio* of the said council.
- (b) The Superintendent of Education for Ontario who shall, subject to the direction of the Minister of Education, represent such Minister on the said council, but shall have no vote thereon.
- (c) Three additional members representing the University of Toronto, to be elected by the Senate of the University.
- (d) Four members representing, respectively, Queen's University, McMaster University, Ottawa University and The Western University, one to be elected by the Senate of each University.
- (e) Two members elected by and representing the high school teachers of Ontario.
- (f) Four members elected by and representing the public school teachers of Ontario.
- (g) One member elected by and representing the separate school teachers of Ontario.
- (h) And two members elected by and representing the public school inspectors of Ontario.
- (i) And two members representing the school trustees of the Province.

6.—(1) The said Advisory Council of Education shall be a consultative committee to confer with the Minister of Education on such subjects as he may submit to it from time to time. Such subjects may include the departmental regulations affecting the courses of study and the textbooks for all classes of provincial schools, continuation classes, manual training departments, household science departments and school gardens, the qualifications of teachers and inspectors, and the departmental examinations.

To be a
consultative
committee.

(2) The said Advisory Council shall exercise such executive powers in connection with the appointment of examiners and associate examiners for the annual departmental and university matriculation examinations, and the conduct of such examinations and the settlement of the results thereof as may be conferred upon it by the Department of Education and the Senate of the University of Toronto, respectively. But if the said Council shall fail or neglect to perform any of the duties required of it under this subsection, then such duties may be performed by the Department of Education.

Powers of
Advisory
Council.

Regulating
conduct of
business.

(3) The said Advisory Council shall also have power to make rules and regulations for the conduct of its own business, subject, however, to the regulations in that behalf of the Department of Education.

Certain persons
disqualified
from being
members.

7. No person shall be elected or shall sit or vote as a member of the Advisory Council of Education who is directly or indirectly financially interested either as principal or agent or otherwise in the publication, authorization or sale of any text-book or other book, or of any map or chart or other apparatus for use in any of the schools, continuation classes, departments or institutes which are under the management or control of the Department of Education, and any member of the said Advisory Council who is or becomes financially interested as aforesaid shall *ipso facto* vacate his office.

How meetings
to be called.

8. The first meeting of the said Advisory Council after its first general election of members, and the first meeting thereof in each year thereafter, shall be called by the Minister of Education, who shall also have power to call a special meeting of the said council at any time. Such other meetings as may be necessary for the transaction of the business of the said council shall be called by the chairman.

Qualification
of members.

9.—(1) Each representative of a university on the said council shall be a member of the senate of such University, and each of the other elected members of the said council shall be a member of the electing body which he or she represents, and shall possess the same qualifications as are prescribed by this Act for the electors of such body.

Election of
representatives
of Universities.

(2) At any election of a representative or representatives of a university each member of the senate thereof shall have the right to vote. In other respects each senate shall elect its representatives in such manner as the members thereof deem expedient.

Election of
teachers and
inspectors.

(3) The representatives of the high, public and separate school teachers, and of the public school inspectors, shall, respectively, be elected by closed ballot, as provided in this Act.

Triennial
elections.

10.—(1) There shall be a general election of all members of the said council who require to be elected, in the year 1906, and in every third year thereafter in accordance with the provisions contained in this Act. Each member so elected shall hold office for the term of three years, and until his successor is elected, subject, however, to the provisions of this Act respecting members being disqualified or vacating their office.

(2) All retiring members of the said council, who retain their qualification, shall be eligible for re-election. Eligible for re-election.

11.—(1) Every teacher who holds a permanent certificate of qualification granted by the Department of Education, and who is engaged in teaching in a school for which such permanent certificate qualifies said teacher when the inspector concerned makes out a list of qualified voters of the electing body of which such teacher is a member, as required by this Act, shall be qualified to vote at the election of a representative or representatives of such electing body. What teachers may vote.

(2) Every public school inspector who is in office when the Registrar of the Advisory Council makes out the list of inspectors qualified to vote for representatives of public school inspectors, as required by this Act, shall be qualified to vote at any election of such representatives. What inspectors may vote.

(3) No teacher or inspector shall be entitled to vote at any election under this Act who does not possess the qualification herein prescribed for such teacher or inspector. Teacher or inspector not to vote, unless qualified.

12. The Registrar of the said Advisory Council shall perform the duties required of him by this Act and such other duties as the Department of Education or the Minister of Education may require. Registrar's duties.

One of such duties shall be to enter alphabetically in separate registers the names with the post office addresses of all persons belonging to each body of electors (except University Senate) entitled to elect representatives under this Act, one register for each of such bodies; and such entries shall be made for each general election as soon as possible after receipt of the respective lists of qualified electors from the various inspectors as hereinafter provided and shall be completed before the third Wednesday in October of the year in which the election is held.

13.—(1) For the purpose of the elections aforesaid of the representatives of the respective bodies of teachers, the high, public and separate school inspectors on or before the first Wednesday of October in each year in which an election to the said council is to be held, shall respectively furnish the Registrar of the said Advisory Council a list of names of all teachers in the schools over which they respectively have jurisdiction who are entitled to vote under this Act with their post office addresses as last known. On or before the same date the Registrar of the said Advisory Council shall prepare a list of the public school inspectors who are entitled to vote under this Act. Voters' lists

Vacancy in
office of in-
spector or
registrar.

(2) If in any case by reason of vacancy of office, illness, absence or any other cause there is no inspector or Registrar to furnish any of such lists the Minister of Education may require any competent person to furnish the same.

Nominations
of candidates.

14.—(1) No teacher or inspector shall be elected to the said Advisory Council who has not been nominated in writing signed by at least six of the persons who are entitled to vote under this Act as a member of the electing body to which such teacher or inspector belongs.

Nomination
papers.

(2) Every nomination paper shall contain the name and post office address of each candidate nominated therein and the post office address of each person signing such nomination paper, and shall be delivered at the office of the Registrar of the said Advisory Council not later than 4 o'clock in the afternoon on the first Wednesday of October in the year in which the election is to be held and not earlier than two weeks prior to such date. Nomination papers received by the Registrar by post within the time aforesaid shall be deemed to be duly delivered to him.

Invalid nomi-
nation papers.

(3) Any nomination paper which does not comply with the provisions of this section shall be null and void.

Election by
acclamation.

15. In case the number of candidates duly nominated as aforesaid does not exceed the number of representatives to be elected in any case, the person or persons so nominated shall be deemed elected and the Registrar shall forthwith report the result with the names and post office addresses of the persons so elected to the Minister of Education.

Proceedings
when vote
to be taken.

16.—(1) When a greater number of candidates in any case are duly nominated as aforesaid than the number of representatives to be elected by any electing body, then an election shall be held and the registrar of the said council shall send by post on or before the third Wednesday of October in the year in which the election is to be held a voting paper, which may be in the form set forth in the schedule to this Act, to each person qualified to vote at such election together with a list giving the names and post office addresses of all the candidates duly nominated as aforesaid. The voting shall be limited to the candidates named in the said list.

Elector may
vote once only
for any
candidate.

(2) Each person qualified to vote as aforesaid shall be entitled to as many votes as there are members to be elected to represent the electing body to which the voter belongs but may not give more than one vote to any one candidate.

Damaged
voting paper.

(3) In case a voting paper is accidentally so damaged as to be unfit for use the person to whom it was sent by the registrar may return it to him and obtain another to be

used in its place, but no second voting paper shall be furnished to any elector unless the first one is returned damaged as aforesaid.

17.—(1) The votes at an election of representatives of High, Public, and Separate School teachers and Public School inspectors respectively shall be given by closed voting papers, and such voting paper shall be delivered to the Registrar of the Council between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of any day between the third Wednesday of October and the first Wednesday of November, both days included, in any year in which an election is held; and any voting papers received by the Registrar by post at any hour within the dates aforesaid before four o'clock in the afternoon of the last named day shall be deemed to be duly delivered to him for the purpose of the election. Mode of election to the council.

(2) The voting papers shall, upon the Thursday after the first Wednesday of November, at ten o'clock in the forenoon be opened by the Registrar with such assistance as the Minister of Education may deem necessary in presence of the scrutineers to be appointed as hereinafter mentioned, who shall examine and count the votes and keep a record thereof in proper books to be provided by the Minister of Education. Any duly qualified candidate at the election may be present at the opening of the voting papers. No voting paper shall be counted which has not been furnished by the Registrar. Opening of ballot papers.

(3) The Ontario Educational Association at its Easter meeting previous to the election, or, in default, the President of the University of Toronto, shall appoint two persons, who, with a person appointed by the Minister of Education for this purpose, shall act as scrutineers at the elections. Appointment of scrutineers.

(4) In the event of an elector placing more names upon his or her voting paper than there are representatives to be elected by the electing body to which such elector belongs the first name or names, making the number for whom the said elector was entitled to vote, shall be counted and no other. What votes to be counted.

(5) In the event of an elector placing upon his voting paper any name or names of persons who were not qualified candidates the vote in favor of any qualified candidate who is properly voted for shall not thereby be invalidated. Such voting paper shall be acted upon as if the name or names of the person or persons who were not qualified candidates had not been placed in such voting paper. Electors voting for persons not candidates.

(6) Upon the completion of the counting of the votes and of the scrutiny, the Registrar of the Council shall Declaration of results.

declare elected as a member or members of the Council the candidate or the required number of candidates who have received the highest number of votes cast by the respective bodies of electors, and shall forthwith thereafter report the same in writing, signed by himself and by the scrutineers, to the Minister of Education.

Equality of
votes.

(7) In case of an equality of votes for two or more candidates which leaves the election of one or more members of the Council undecided, then the scrutineers shall forthwith put into a ballot box a number of similar papers with the names of the candidates respectively having such equality of votes written thereon, one for each candidate, and the Registrar shall draw by chance from the ballot box in presence of the scrutineers one or more of the papers sufficient to make up the required number, and the person or persons whose name or names are upon the papers so drawn shall be deemed elected to the said council.

Date of
University
election.

18. Representatives of the said Universities shall be elected on or before the first Wednesday in November of any year in which a general election of members of said Council is to be held under this Act, and notification of the names of the person or persons elected shall be sent forthwith to the Minister of Education by the Registrars of the Universities respectively.

Default of
election.

19.—(1) In case default shall be made in the election of a representative or of the required number of representatives of any of the said Universities or of any of the respective bodies authorized to elect representatives to the said Advisory Council, at the time prescribed therefor by this Act, the Lieutenant-Governor in Council may appoint a member or members to fill the office or offices so left vacant, provided, however, that every person so appointed shall be a properly qualified member of the body such person is to represent on the said Council.

Vacancies in
University
representation
how filled.

(2) In case the office of a representative of any of the said Universities on the said Council is vacated for any cause before the expiration of his term of office, the Senate of such University shall elect another representative qualified according to the provisions of this Act to fill such vacancy as soon after such vacancy occurs as may be convenient, and if such vacancy is not filled in manner aforesaid within one month after it occurs the Lieutenant-Governor in Council may appoint a member of such University to fill such vacancy.

Vacancies in
representation
of teachers or
inspectors
how filled.

(3) In case any member of the said Council representing the Public School Inspectors or one of the said bodies of teachers shall vacate his or her office from any cause before the expiry of the term for which he or she was elected,

the defeated candidate for such office who at the last preceding election had the highest number of votes next after the candidate or candidates elected, and who is still willing to accept the office, shall forthwith become a member of the said Council in place of and for the remainder of the unexpired term of the former representative so vacating his office as aforesaid, and as soon as convenient shall be notified by the Minister of Education that he has become a member of the said Advisory Council.

If further vacancy occurs in the representation of the same electing body, the defeated candidate at the last preceding election who received the second or next highest number of votes, and who is still willing to accept office, shall become a member of the said Council to fill such vacancy, and shall be notified by the Minister of Education to that effect as hereinbefore provided.

(4) If by reason of two or more of such defeated candidates in either of such cases having received an equal number of votes, the question of filling any vacancy cannot be decided in manner aforesaid, then such question shall be decided by chance in the manner provided by subsection 7 of section 17 of this Act.

Equality of votes in such cases.

(5) If in any such case there is no such defeated candidate to fill such vacancy or none still willing to accept the office, or if for any reason a vacancy cannot be filled under any of the preceding provisions, then the vacancy may be filled by the Lieutenant-Governor in Council by the appointment to the said Advisory Council of a properly qualified member of the body to be represented.

When vacancy may be filled by Lieutenant-Governor in Council.

20. Notwithstanding any of the provisions hereinafter contained, the members of the said Advisory Council representing the school trustees of the Province, shall be elected, each for a term of three years, by the members of the trustee section of the Ontario Educational Association at any annual meeting thereof, and such election shall be conducted in all respects in such manner as the majority of the members of the said trustee section shall deem expedient. Any vacancy occurring at any time in such representation may be filled at the next annual meeting of the said association.

Election and term of office of representatives of trustees.

The Lieutenant-Governor in Council may appoint two representatives of the said school trustees as members of the said Advisory Council to hold office until the members of the said trustee section hold their first election, and in case of vacancy at any time in such representation, the Lieutenant-Governor in Council may appoint a member to hold office until the said trustee section elects another representative to fill such vacancy.

First representatives of trustees.

Vacating
office.

21. Any member of the Advisory Board of Education who ceases to reside in the Province of Ontario or ceases to possess the qualification upon which such member was elected as required by this Act, or becomes insane or is convicted of any felony or misdemeanor shall *ipso facto* vacate his or her office.

Continuance in
office of educa-
tional council.

22. Notwithstanding the provisions of this Act, the Educational Council appointed under the provisions of Section 6 of *The Education Department Act* of 1901 shall continue in office and shall discharge the prescribed duties connected with the annual departmental and matriculation examinations of 1906 until all matters connected therewith have been finally disposed of.

POWER AND DUTIES OF MINISTER OF EDUCATION.

Powers of
Minister.

23. It shall be the duty of the Minister of Education and he shall have power :

Apportionment
of grant.

(1) To apportion all sums of money voted by the Legislative Assembly as a general grant for public and separate schools among the several cities, towns, incorporated villages and townships, except townships in the territorial districts, according to the population in each as compared with the whole population of the Province, as shewn by the last annual returns received from the municipal clerks;

Special grants.

(2) To apportion all sums of money voted by the Legislative Assembly as a special grant for rural public and separate schools among the several townships according to the population of each as compared with the population of all the townships in the Province, not including the territorial districts, according to the last annual returns received from the township clerks;

Division
between pub-
lic and separ-
ate schools.

(3) To divide the total of the amounts so apportioned to each city, town, incorporated village and township between public and separate schools according to the average number of pupils attending such schools respectively, during the next preceding calendar year, or during the number of months which may have elapsed from the establishment of a new public or separate school as compared with the whole average number of pupils attending school in the same city, town, village or township;

Payment of
grant to
treasurer.

(4) To see that the money so apportioned to the public schools of every city, town and incorporated village is paid to the treasurer thereof, and that the money so apportioned to the public schools of each township is paid to the treasurer of the county in which such township is situated, on or before the first day of July in each year, as the Lieutenant-Governor in Council may direct :

(5) To direct the county inspector to distribute among the public school sections of each township under his jurisdiction, subject to the Regulations of the Department of Education, all sums apportioned as aforesaid to the rural public schools therein, on the basis of the salaries paid to the teachers, the character of the accommodations, and the value of the equipment, after providing a minimum grant for each such school which is equipped as required by the Regulations of the Department of Education. All such grants shall be payable by the township treasurer to the order of the treasurer or secretary-treasurer of the board of trustees on the inspector's order. Notice of such distribution shall be given by the inspector to the trustees concerned;

Distribution of grant to rural public schools.

(6) To distribute among the separate schools of each township, subject to the Regulations of the Department of Education, all sums apportioned as aforesaid to the rural separate schools therein, on the basis of the salaries paid to the teachers, the character of the accommodations, and the value of the equipment, after providing a minimum grant for each such school which is equipped as required by the Regulations of the Department of Education; to give notice of such distribution to each separate school board concerned and to pay to the board of each separate school the amount apportioned thereto as aforesaid, on or before the first day of July in each year, as the Lieutenant-Governor in Council may direct;

Distribution of grant to rural separate schools.

(7) To apportion under the provisions of such regulations as may be made by the Department of Education, all sums of money voted by the Legislative Assembly for assisting public and separate school boards in poor rural districts to pay teachers' salaries;

Apportionment of moneys for assisting poor rural school sections.

(8) To pay to the trustees of every rural school in the Territorial Districts out of any sums of money voted therefor by the Legislative Assembly, at least one hundred dollars for the full calendar year in equal half-yearly instalments on the report of the Inspector that this Act and the Regulations of the Department of Education have been complied with; and to direct the Inspector to distribute the rest of the grant, if any, amongst said schools in accordance with the regulations of the Department of Education;

Payments to trustees in territorial districts.

(9) To apportion all sums of money voted by the Legislative Assembly for high school purposes among the several high schools of the Province, subject to the regulations of the Department of Education, on the basis of the salaries paid to teachers, the character of the accommodations, and the value of the equipment, after providing a minimum grant for each such school which is equipped in accordance with the Regulations of the Department of Education; and to give notice of such apportionment to the

High School grant, how paid.

county clerk of each county, and to see that the same is paid to the high school treasurer as the Lieutenant-Governor in Council may direct;

Other grants,
how paid.

(10) Subject to the Regulations of the Department of Education, to apportion out of any grant made by the Legislative Assembly for such purposes, all sums payable under any statute in that behalf towards the maintenance of the normal schools or other schools or institutes for the training of teachers, continuation classes, technical schools, manual training departments, household science departments, school gardens, kindergartens, night schools, public libraries, art schools, inspection of schools, the examination of teachers, and all other incidental departmental expenses; also to apportion under the provisions of such regulations as may be made by Order in Council all sums of money voted by the Legislative Assembly for aiding public and separate school boards in rural districts to furnish certain text-books free of cost.

Minister may
submit ques-
tions arising
upon school
law to High
Court.

(11) To submit a case on any question arising under *The Public Schools Act* or *The High Schools Act*, or under *The Separate Schools Act* to any Judge of the High Court for his opinion and decision, or, with the consent of such Judge, to a Divisional Court of the said High Court for its opinion and decision;

Power to settle
disputes and
complaints.

(12) To decide upon all disputes and complaints laid before him the settlement of which is not otherwise provided for by law, and upon all appeals made to him from the decision of any inspector or other school officer;

Power to
appoint com-
missioners.

(13) To appoint one or more persons, as he may deem expedient, to inquire into and report to him upon any school matter. Such person or persons, or any of them, shall have power to administer oaths to witnesses, or require them to make solemn affirmation of the truth of the matters they may be examined upon; to suspend or cancel for cause any certificate of qualification granted by the Education Department;

Compelling
attendance of
witnesses.

(14) To apply to the High Court for a writ of subpoena *ad testificandum* and also *duces tecum* upon the *præcipe* of the Minister of Education therefor, containing the names of the witnesses intended to be summoned thereby, such writ to be directed to each person who is required thereby to attend and give evidence at such times, and places, and before such person or persons as the Minister shall appoint; and default of any person in obeying such subpoena shall be punishable as in any action or cause in the said Court;

Annual report
to be made by
Minister of
Education.

(15) To report annually to the Lieutenant-Governor upon the condition of Education in Ontario, with such suggestions for improving it as he may deem expedient.

SPECIAL PROVISION FOR 1906.

24. Notwithstanding the provisions hereinbefore contained, all sums of money voted by the Legislative Assembly as a general grant for public and separate schools for the year 1906 shall be apportioned as if this Act had not been passed; all moneys voted by the Legislative Assembly as a special grant for rural public and separate schools for the year 1906 shall be divided among the respective townships in the Province, not including the territorial districts, in the manner set forth in subsection 2 of section 23 of this Act; the part of such special grant which is apportioned to each township shall be divided between public and separate schools therein in the manner set forth in subsection 3 of said section 23, and the part thereof which is apportioned to the public schools of such township shall, subject to the regulations of the Education Department in regard to union school sections composed of portions of different townships in the same or in different counties, be divided by the inspector equally among all the other public schools therein, and the part thereof which is apportioned to the separate schools of any township shall be divided by the Minister of Education equally among all the separate schools therein. In each township where there are no separate schools the amount of such special grant apportioned to such township for the year 1906 shall be divided by the inspector equally among all the public schools therein.

Apportionment
of legislative
grant in 1906.

SUPERINTENDENT OF EDUCATION.

25.—(1) The Superintendent of Education shall, subject to the Minister of Education and any Acts or Regulations in that behalf, have the general supervision and direction of all classes of high, public and separate schools, the technical schools, the professional training schools and examinations for teachers of the said schools, the teachers' institutes, the art schools, the school libraries, and the inspectors of the said schools, and may make recommendations to the Minister on any matter arising out of such supervision and direction.

Duties and
powers of the
Superintendent of Education.

(2) And the said Superintendent shall make annually to the Minister a report on the condition and requirements of the part of the Provincial system of Education under his supervision and direction.

Annual report.

26. Except as provided in sections 3 and 4 of this Act nothing in this Act contained shall be deemed. taken or construed as, in any manner or for any purpose, altering, varying or affecting any power, right or authority which, before the passing of this Act, was by law vested in or held, had or possessed by the Minister of Education or the

Powers of
Minister as to
separate
schools not
affected.

Department of Education in respect either to Roman Catholic Separate Schools or of any matter or thing whatsoever pertaining to or affecting said Separate Schools.

REGULATIONS AND ORDERS IN COUNCIL.

Regulations and Orders in Council to be laid before the Legislative Assembly.

27.—(1) Every Regulation or Order in Council made under this Act or under the public, separate or high schools Acts, shall be laid before the Legislative Assembly forthwith if the Legislature is in session at the date of such Regulation or Order in Council, and if the Legislature is not in session such Regulation or Order in Council shall be laid before the said House within the first seven days of the session next after such Regulation or Order in Council is made.

Disapproval by Legislative Assembly.

(2) In case the Legislative Assembly at the said session, or if the session does not continue for three weeks after the said Regulation or Order in Council is laid before the House, then at the ensuing session of the Legislature, disapproves by resolution of such Regulation or Order in Council either wholly or of any part thereof, the Regulation or Order in Council, so far as disapproved of, shall have no effect from the time of such resolution being passed.

COMMISSIONS OF ENQUIRY.

When Lieutenant-Governor in Council may order enquiry.

28.—(1) When the Lieutenant-Governor in Council deems it expedient to cause inquiry to be made into or concerning:—

(a) Any institution which is under the control or management of the Department of Education or any matter pertaining thereto;

(b) School books;

(c) Or any educational question,

Powers of commissioners.

The Lieutenant-Governor may, by the commission in the case, confer upon the commissioner or commissioners by whom such inquiry is to be conducted, the power of summoning before them any person or witnesses, and of requiring them to give evidence on oath, orally or in writing (or on solemn affirmation, if they are persons entitled to affirm in civil matters), and to produce such documents and things as the commissioners deem requisite to the full investigation of the matters into which they are appointed to examine.

Enforcing attendance before commissioners.

(2) The commissioner or commissioners shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things, as is vested in any court in civil cases; but no

person or witness shall be compelled to answer any question, by his answer to which he might render himself liable to a criminal prosecution.

29. The Act passed in the first year of His Majesty's ^{1 Edw. VII.,} reign, chaptered 38, is hereby repealed. ^{c. 38 repealed.}

SCHEDULE.

(Section 10, (3)).

FORM OF VOTING PAPER.

Advisory Council of Education.

Election, 19

I resident at , in the County of do hereby declare:

(1) That the signature affixed hereunto is my proper handwriting;

(2) That I vote for the following person or persons as member or members (*as the case may be*) of the Advisory Council of Education, viz.,

 of in the County of etc.;

(3) That I have not signed any other voting paper as High, Public, or Separate School teacher, or Public School Inspector;

(4) That the voting paper was executed on the day of the date hereof;

(5) That I vote in my right as High, Public, or Separate School teacher or Public School-Inspector (*as the case may be*); and

(6) That the date and number of my permanent professional certificate are

Witness my hand this day of , A.D. 19 .

AN ACT TO AMEND THE PUBLIC SCHOOLS ACT.

Assented to 14th May, 1906.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Paragraph 4 of section 2 of *The Public Schools Act* is hereby amended by inserting after the word "house" in the second line thereof the words "school garden." ^{1 Edw. VII.,} ^{c. 39, s. 2,} ^{par. 4} ^{amended.}

2. Section 2 of *The Public Schools Act* is hereby amended by adding thereto the following paragraph: ^{1 Edw. VII.,} ^{c. 39, s. 2,} ^{amended.}

11. "Secretary" or "Treasurer" shall mean Secretary-treasurer in a school section or municipality where a secretary-treasurer is elected. ^{"Secretary,"} ^{"Treasurer,"} ^{meaning of.}

1 Edw. VII.,
c. 39, s. 8,
subs. 2,
repealed.

3. Subsection 2 of section 8 of the said Act is hereby repealed and the following substituted therefor:—

Grouping
schools for
continuation
classes.

(2) The trustees of any number of public schools, or any number of public and separate schools, not situated in a high school district as defined by *The High Schools Act*, may, by mutual agreement, determine that such continuation classes shall be conducted in one of such schools for the benefit of the pupils of all of them; and in such cases the trustees of each of the said schools shall have power to provide, by additional or increased rates to be levied upon the same property upon which the other school rates are levied, for the maintenance of such continuation classes. The said agreement shall specify the proportion of the cost of maintenance to be paid by the trustees of each of said schools, or shall provide for the settlement of the same by arbitration or by such other method as they deem expedient.

1 Edw. VII.,
c. 39, s. 8,
subs. 5,
amended.

4. Subsection 5 of section 8 of the said Act is hereby amended by striking out the words "at the date of this Act" in the first line thereof and substituting therefor the words "on the 15th day of April, 1901," and by striking out all the words in the said subsection after the word "principal" in the fourth line thereof and substituting therefor the words "or assistant after the date when this Act takes effect shall possess the qualifications prescribed by the Regulations of the Department of Education."

Qualifications
of teachers of
continuation
classes.

1 Edw. VII.,
c. 39, s. 8,
subs. 6,
amended.

5. Subsection 6 of said section 8 is hereby amended by adding thereto the following paragraph:—

Apportionment
of amount to
be raised for
continuation
classes in
united coun-
ties.

"The council of two or more counties united for municipal purposes may apportion the amount to be levied for continuation classes so that each county forming such union shall be liable only for sums payable in respect of continuation classes within such county. Where trustees of different schools situated in more than one of such united counties have joined together under subsection 2 for the conduct of continuation classes, the said council may determine the proportion to be paid by each of such counties in respect of such continuation classes."

1 Edw. VII.,
c. 39, s. 9,
subs. 2,
amended.

6. Subsection 2 of section 9 of the said Act is hereby amended by striking out the word "member" in the first line thereof and substituting therefor the word "number."

1 Edw. VII.,
c. 39, s. 11,
repealed.

7. Section 11 of the said Act is hereby repealed.

1 Edw. VII.,
c. 39, s. 12,
subs. 4,
amended.

8. Subsection 4 of section 12 of the said Act is hereby amended by adding thereto the following words: "and to furnish annually, on or before the first day of December, to the local public school inspector, information in writing of

the acreage, the assessed value, the rate for school purposes and the school population between the ages of five and twenty-one years of each section or part of union section within the township."

9. Subsection 5 of section 12 of the said Act is hereby amended by striking out all the words after the word "shall" in the second line, the whole of the third, fourth and fifth lines and the first three words of the sixth line thereof, and substituting therefor the words "call the first meeting for the fourth Wednesday after the formation of such section, by causing notices to be posted in three of the most public places in the new section at least six clear days before the date when the said meeting is to be held" and by striking out the word "time" in the seventh line and substituting therefor the word "hour."

1 Edw. VII.,
c. 39, s. 12,
subs. 5,
amended.

10. Subsection 6 of said section 12 is hereby amended by striking out all the words in the second line after the word "elected" and the first seven words of the third line and substituting therefor the words "or the first trustee in seniority shall hold office for a term to be computed from the date of the election until the expiration of three years from the next date fixed by this Act for holding annual meetings of ratepayers, the second shall hold office for one year less and the third for two years less than the said term, subject in all cases to the provisions of this Act respecting trustees being disqualified or vacating their offices."

1 Edw. VII.,
c. 39, s. 12,
subs. 6,
amended.

11. Subsection 4 of section 14 of the said Act is hereby amended by striking out the last four words of the second line, the whole of the third line and the first word of the fourth line, and substituting therefor the following: "He shall not vote unless there is an equality of other votes when he shall give the casting vote."

1 Edw. VII.,
c. 39, s. 14,
subs. 4,
amended.

Chairman of
school meet-
ing,—casting
vote.

12. Subsection 2 of section 15 of the said Act is hereby amended by inserting after the word "names" in the fourth line thereof the words "and residences" and by striking out the words, "with the residence of the voter" at the end of the said subsection.

1 Edw. VII.,
c. 39, s. 15,
subs. 2,
amended.

Voting at
school
meetings.

13. Subsection 3 of section 15 of the said Act is hereby repealed and the following substituted therefor:

1 Edw. VII.,
c. 39, s. 15,
subs. 3,
repealed.

(3) When a poll is granted on any public school question the secretary shall prepare or procure a poll-book with two separate columns marked respectively "for" and "against": and shall opposite to such columns write the name and residence of each ratepayer voting on the said question:

Recording
votes at school
meetings.

and shall record his vote by setting the figure "1" opposite his name in the proper column so as to show how he votes on the said question.

1 Edw. VII.,
c. 39, s. 15,
subs. 4,
amended.

14. The following paragraph shall be inserted immediately after the third paragraph of the declaration set forth in subsection 4 of section 15 of the said Act and shall be substituted for said third paragraph when a person claims to vote as a farmer's son: "That my father (mother, stepfather or stepmother, as the case may be) is a supporter of the public school in said school section No. —, and that I have been a resident of said section for the past six months."

Declaration of
farmer's son
voting at
meetings.

1 Edw. VII.,
c. 39, s. 15,
subs. 7,
amended.

15. Subsection 7 of section 15 of the said Act is hereby amended by inserting after the word "election" in the third line thereof the words: "and of the name and address of the chairman of the said meeting."

1 Edw. VII.,
c. 39, s. 15,
subs. 8,
amended.

16. Subsection 8 of section 15 of the said Act is hereby amended by striking out all the words between the word "same" in the fifth line and the word "time" in the sixth line thereof and substituting therefor the following: "and confirm the said election or proceedings if found to be in accordance with this Act or set aside the same if found not to be in substantial accordance therewith, and in the latter event he shall appoint a" and by adding at the end of the said subsection the following: "and it shall not be incumbent upon the inspector to set aside such election or proceedings for want of formal compliance with the provisions of this Act if he is satisfied that the result of such election or proceedings has not been affected thereby."

Complaints as
to elections.

1 Edw. VII.,
c. 39, s. 15,
subs. 9,
amended.

17. Subsection 9 of section 15 of the said Act is hereby amended by adding at the end thereof the words "or the vote or proceedings upon any school question."

1 Edw. VII.,
c. 39, s. 18,
subs. 2
amended.

18. Subsection 2 of section 18 of the said Act is hereby amended by inserting after the word "money" in the last line thereof the words: "in his possession, power or control."

1 Edw. VII.,
c. 39, s. 19,
subs. 2,
amended.

Calling special
meetings.

19. Subsection 2 of section 19 of the said Act is hereby amended by adding thereto the following: "such request in writing or petition and the notice calling such special meeting shall specify the objects for which such special meeting is to be held."

1 Edw. VII.,
c. 38, s. 20,
amended.

20. Section 20 of the said Act is hereby amended by striking out all the words therein after the word "thereby" in the fourth line thereof.

21. Subsection 1 of section 22 is hereby repealed and the following substituted therefor:

1 Edw. VII.,
c. 39, s. 22,
subs. 1,
repealed.

(1) There shall be two auditors in each rural school section. One shall be elected annually by the ratepayers at the annual or a special meeting and the other shall be appointed by the school trustees on or before the first day of December in each year. In case an auditor dies or refuses or is unable to act another may be elected or appointed in his place by the same authority that elected or appointed him. But if from any cause at any time after the first day of December there are not two auditors, willing, able and authorized to act, the inspector on the written request of any two ratepayers shall appoint one or both auditors as the case may require.

Auditors for
rural school
sections.

22. Subsection 1 of section 34 of the said Act is hereby repealed and the following substituted therefor:—

1 Edw. VII.,
c. 39, s. 34,
subs. 1,
repealed.

34.—(1) The trustees of every rural school section, or a majority of them, shall have power to select a new school site or to agree upon a change of school site, and thereupon the trustees shall forthwith call a special meeting of the ratepayers to consider the school site selected by them; and no school site shall be adopted, or change of school site made, except in the manner hereinafter provided, without the consent of a majority of such special meeting.

Selecting new
site for rural
school.

23. Subsection 2 of said section 34 is hereby amended by inserting the word "school" immediately before the word "site" in the second line thereof.

1 Edw. VII.,
c. 39, s. 34,
subs. 2,
amended.

24. Subsection 2 of section 35 of the said Act is hereby amended by inserting after the word "site" in the fifth line thereof the words "or required for the enlargement of the school premises."

1 Edw. VII.
c. 39, s. 35,
subs. 2,
amended.

25. Subsection 4 of said section 35 is hereby amended by inserting after the word "site" in the fifth line thereof the words "or for the enlargement thereof."

1 Edw. VII.,
c. 39, s. 35,
subs. 4,
amended.

26. Subsection 1 of section 36 of the said Act is hereby amended by inserting after the word "site" in the first line thereof the words "or for land required for the enlargement of school premises" and by adding at the end thereof the following: "and showing that the amount of the damages has been paid or tendered as provided in the preceding section."

1 Edw. VII.,
c. 39, s. 36,
subs. 1,
amended.

27. Subsection 1 of section 37 of the said Act is hereby amended by striking out the word "the" in the second line thereof and substituting therefor the word "any" and by

1 Edw. VII.,
c. 39, s. 37,
subs. 1,
amended.

striking out all the words after the word "house" in the third line thereof and substituting therefor the words "without the consent of the owner thereof."

1 Edw. VII.,
c. 39, s. 38,
amended.

28. Section 38 of the said Act is hereby amended by striking out all the words after "shall" in the fourth line, and the whole of the fifth and sixth lines thereof and substituting therefor the words "approach within one hundred yards of or include any garden, orchard, pleasure ground, or dwelling house without the consent of the owner thereof."

1 Edw. VII.,
c. 39, s. 45,
amended.

29. Section 45 of the said Act is hereby amended by adding thereto the following subsections:—

School sections
and union
sections
confirmed.

(2) Whenever a school section or a union school section has existed in fact for three months and upwards, and whether the same has been formed in accordance with the provisions of the law in that behalf or not, it shall be deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as applicable, as if such section had been formed thereunder, unless, in the meantime, proceedings have been taken calling in question the legal status of such section and notice thereof has been given to the persons who ought, according to the practice of the Court in which the proceedings are taken, to be served with notice thereof, and such proceedings shall result in its being determined that such section has not been legally formed.

Proceedings
for formation
etc., validated.

(3) No proceeding in or in relation to the formation, alteration or dissolution of a rural school section or a union school section and no arbitration or award in reference thereto or as to any matter which by the provisions of this Act are to be or may be determined by arbitration shall be deemed to be invalid or shall be set aside because of the failure to comply with the provisions of this Act applicable to such proceeding, arbitration or award unless in the opinion of the tribunal before which such proceeding, arbitration or award is called in question the same, if allowed to stand, will cause substantial injustice to be done to the persons affected thereby or some of them.

Jurisdiction
of county or
district judge.

(4) Should any question arise touching the validity of the proceedings in or in relation to the formation, alteration or dissolution of any rural school section or union school section, or touching the selection, adoption or change of a school site, or touching any by-law of the council of any municipal corporation in any way relating to the said matters or any or either of them or touching any arbitration or award heretofore or hereafter had or made under the provisions or authority of this Act, the same shall not be raised, or determined by action or proceeding in the High

Court of Justice for Ontario, but shall be raised, heard and determined upon a summary application to the judge of the county or district court of the county or district in which such school section or some part thereof is situate, and the decision of such judge shall be final and conclusive, unless special leave to appeal therefrom shall be given by the High Court or a judge thereof, and if such leave be given an appeal shall lie to the High Court upon questions of law only, upon and subject to such terms and conditions as the court or judge giving the leave shall prescribe.

30. Section 48 of the said Act is hereby amended by <sup>1 Edw. VII.,
c. 39, s. 48,
amended.</sup> striking out the figures "43" in the 14th line thereof and substituting therefor the figures "46."

31. Subsection 1 of section 58 is hereby amended by <sup>1 Edw. VII.,
c. 39, s. 58,
subs. 1,
amended.</sup> striking out the words "after the first election of trustees" in the third line thereof and substituting therefor the words: "except as hereinafter provided."

32. Subsection 2 of section 58 of the said Act is hereby <sup>1 Edw. VII.,
c. 39, s. 58,
subs. 2,
amended.</sup> amended by striking out the words "one of the trustees in each ward" in the first line thereof and substituting therefor the words "After the first election of trustees in any ward or when from any cause the two trustees in any ward are elected simultaneously, one of them" and by striking out all the words of said subsection after the word "retire" in the sixth line thereof and substituting therefor the words: "After such first or simultaneous election one trustee shall be elected annually for each ward."

33.—(1) Subsection 1 of section 59 of the said Act is <sup>1 Edw. VII.,
c. 39, s. 59,
subs. 1,
amended.</sup> hereby amended by striking out the words "after the first election of trustees" in the second and third lines thereof, and substituting therefor the words, "except as hereinafter provided."

(2) Subsection 2 of section 59 of the said Act is hereby <sup>1 Edw. VII.,
c. 39, s. 59,
subs. 2,
amended.</sup> amended by striking out the first four words thereof and substituting therefor the following: "After the first election of trustees in any such incorporated village three of them" and by striking out the word "which" in the 6th line thereof and substituting therefor the words "such first election."

34. Subsection 6 of section 60 of the said Act is hereby <sup>1 Edw. VII.,
c. 39, s. 60,
subs. 6,
amended.</sup> amended by inserting after the word "names" in the 7th line thereof the words "and residences" and by striking out the last six words of the said subsection.

35. *The Public Schools Act* is hereby amended by insert- <sup>1 Edw. VII.,
c. 39, amended.</sup> ing therein immediately after section 60 thereof the following as section 60a:

Persons ex-
empted from
school rates
not to vote.

60a. Any person exempted by the trustees of any school section from the payment of school rates wholly or in part on account of indigence shall thereby be deprived of the right to vote at any election of trustees or any meeting of ratepayers so long as such exemption shall continue.

1 Edw. VII.,
c. 39, s. 65,
par. 5,
amended.

36. Paragraph 5 of section 65 of the said Act is hereby amended by inserting after the word "assistants" in the fifth line thereof the words "to maintain each school during the whole period of each school year except in cases where it is otherwise provided under this Act."

1 Edw. VII.,
c. 39, s. 65,
subs. 7,
repealed.

37. Subsection 7 of the said section 65 is hereby repealed and the following substituted therefor:

Trustees pur-
chasing school
books and
supplies.

(7) To purchase, in case they deem it expedient, for the use of pupils attending school, text-books and other school supplies; and, at their discretion, either to furnish the same to the pupils free of charge or to collect for the use thereof from the respective parents or guardians of the pupils a sum not exceeding twenty cents per month per pupil to defray the cost thereof.

1 Edw. VII.,
c. 39, s. 68,
repealed.

38. Section 68 of the said Act is hereby repealed and the following substituted therefor:—

Expropriating
land for school
purposes.

68.—(1) The school board or board of education of every urban municipality shall have power to acquire and appropriate any land required by them to be used for a school site, or for the enlargement of or an addition to, any existing school site.

Arbitrators,
appointment
of by trustees.

(2) If the owner of the land required refuses to sell the same or demands therefor a price deemed unreasonable by the school board or board of education, or refuses to accept the price such board is willing to pay, the school board or board of education may appoint an arbitrator and serve notice of such appointment upon the owner of the land required and require him to appoint an arbitrator. Such notice may contain a description of the land required as aforesaid, and a duplicate of such notice containing such description may be registered in the registry office of the county or city in which the land is situated, together with an affidavit verifying the same and proving service of such notice upon the said owner. Such registration shall be notice to all persons whomsoever that the said land is being expropriated in the manner and at a price to be fixed as herein provided.

Appointment
of arbitrator
by owner—
third arbitra-
tor.

(3) The said owner, within seven clear days after the service upon him of notice of the appointment of an arbitrator by the said school board or board of education as aforesaid, shall appoint an arbitrator, and the two arbi-

trators so appointed shall appoint a third arbitrator, or in default of their appointment of a third arbitrator within four clear days after the appointment of an arbitrator by the owner of the said land as aforesaid, the county judge of the county in which the land in question is situated, upon the application of either party made upon two clear days' notice to the other party, shall appoint a third arbitrator.

(4) If the owner of the land required refuse or neglect to appoint an arbitrator and to give notice of such appointment to the said school board or board of education within seven clear days after receiving notice of the appointment of an arbitrator by such board as aforesaid, the school board or board of education may apply *ex parte* to the said county judge upon affidavit setting forth the facts, and thereupon the county judge, with or without directing notice of such application to be served upon the owner of the said land as he shall deem proper, shall appoint two additional arbitrators.

Owner neglecting to appoint.

(5) If an appointed arbitrator refuses to act or is incapable of acting or dies, the other arbitrators, or in case of their default for seven clear days, the county judge, shall, upon the application of either party, appoint an arbitrator to fill such vacancy, and the arbitrator so appointed shall have all the powers and act in the stead of the arbitrator so refusing or being incapable to act or dying as aforesaid.

Arbitrators refusing or neglecting to act.

(6) Every school board or board of education in an urban municipality shall make to the owners or occupiers of any real property adjacent to the land expropriated which is injuriously affected by the exercise of the powers of expropriation conferred by this Act, due compensation for any damages necessarily resulting from the exercise of such powers; and every claim for such compensation, if not settled by mutual agreement, shall be determined by the said arbitrators. The said school board or board of education shall give such notices to the owners and occupiers of such adjacent land as the said arbitrators shall deem just and reasonable, and shall name a time therein within which claims shall be filed before the arbitrators; and upon filing their claims the said owners and occupiers shall be entitled to be heard and to adduce evidence before the said arbitrators, and shall be bound by the award of the arbitrators as to the compensation for such damages. In case any owner or occupier of such adjacent land fails to make his claim to such compensation in writing filed before the said arbitrators within the time limited by such notice, or such further time pending the arbitration as the arbitrators in their discretion shall permit, such owner or occupier shall lose all right to such compensation.

Compensation for lands taken or injured.

Arbitrators
may adminis-
ter oaths.

(7) The arbitrators so appointed as aforesaid shall have power to administer oaths to persons appearing to give evidence before them, or to take the solemn affirmations of such persons, if they are entitled to affirm in civil proceedings.

Powers of
arbitrators as to
determining
claims.

(8) The arbitrators shall have power to hear and determine all claims or rights of encumbrancers, lessees, tenants and other persons as well as those of the owner in respect of the said land required, and of the owners and occupiers of such adjacent lands: and to decide who are necessary or proper persons to appear before them either generally upon the said arbitration or in respect of any particular claim or right: and to direct all necessary notices to be served and in what manner they may be served; and after hearing all parties interested, and the evidences adduced, the said arbitrators shall make their award as to the price to be paid for the land in question and as to the apportionment of such price where more parties than one are interested therein, and as to the amount to be paid to each lessee, tenant or other claimant by way of compensation in respect of any interest or right affected, and as to any compensation or damages, if any, to be paid to such adjacent owners or occupiers, or any of them.

Decision of two
arbitrators to
be binding.

(9) In case of the disagreement of the arbitrators on any matter connected with the said arbitration or as to the award to be made, the decision or award of any two of them shall be valid and binding upon all parties.

Two arbitra-
tors may pro-
ceed in absence
of third.

(10) If one arbitrator refuses or neglects to attend any lawful meeting of the arbitrators, the other two arbitrators may proceed in his absence and may hear and determine all matters that come before them and may make and publish their award upon the matter or matters in question, and such award shall be valid and binding upon all parties; or they may adjourn the meeting for any period not exceeding ten days, giving the absent arbitrator notice of the said adjournment.

Subpoenas.

(11) The school board or board of education, the owner of the land in question, or any encumbrancer, lessee, tenant, or other person interested in the said land or claiming compensation in respect of any interest or right affected by the expropriation of such land, or any owner or occupier of such adjacent land, may sue out of the High Court of Justice a writ of subpoena *ad testificandum*, or a writ of subpoena *duces tecum*, and may compel the attendance of witnesses and the production of documents and things before the said arbitrators in the manner practised in the said court, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action in the said court.

(12) The arbitrators shall make their award within three months after entering on the reference or after having been called on to act by notice in writing from the said school board or board of education or the owner of the land in question, or on or before any later day to which the arbitrators, by any writing signed by them, may from time to time enlarge the time for making the award. Time for making award.

(13) The said school board or board of education shall pay all sums as required by the said award to the parties to whom such sums are awarded, or into court in accordance with the provisions of this Act. Payment of claims.

If by reason of the absence of the person entitled to be paid any sum, or for any other reason, payment of such sum cannot be made pursuant to the said award, or if the title to the said land expropriated, or any interest therein, or to or in such adjacent land or any part thereof, or the right to any portion of the compensation therefor, is in doubt, or if the school board or board of education have reason to fear any claim or encumbrance, or if for any other reason the said school board or board of education deems it advisable, such board may pay the moneys due under the said award or any part thereof into the High Court of Justice with six months' interest thereon. When amount awarded may be paid into court.

Upon payment or tender of all moneys awarded by the arbitrators to the parties entitled thereto, or upon payment thereof, or such part thereof as has not been paid to any person pursuant to the said award, into court with interest as aforesaid pursuant to this Act, the school board or board of education may enter upon, take, and use the said land for the purpose for which it was required.

(14) The owner of the land required and all parties interested therein or claiming any compensation by reason of the expropriation of the same, and every owner or occupier of adjacent land claiming compensation or damages, shall, subject to any legal objection, submit to be examined by or before the arbitrators on oath, or on affirmation, if entitled to affirm in civil cases, in relation to the matters in question, and shall, subject as aforesaid, produce before the arbitrators all deeds, writings, documents and things in their possession or power respectively, which may be required or called for, and do all other things which during the proceedings on the reference the arbitrators may require. Owners and others compellable witnesses.

(15) The award of the arbitrators shall be in writing, and in duplicate if required by the school board or board of education, and shall set forth the metes and bounds of the land in question, and, the said award or a duplicate thereof shall be registered in the registry office of the county or city in which the said land is situated, on the Award to be in writing and in duplicate if required.

affidavit of the secretary of the board verifying the same, and shall be deemed to be the title of the trustees to the land mentioned therein and shall be a good title thereto against all persons whomsoever.

Costs of arbitration.

(16) The costs of the arbitration and award, and of every matter involved therein, shall be in the discretion of the arbitrators, who may direct to and by whom and in what manner such costs or any part thereof shall be paid, and they may award costs to be paid as between solicitor and client.

Application of s. 39, subs. 1, to urban municipalities.

(17) Subsection 1 of section 39 of the said Act shall be construed as applying to land in urban municipalities as well as to lands required for rural school sites.

1 Edw. VII., c. 39, s. 70, repealed.

39.—(1) Section 70 of the said Act is hereby repealed and the following substituted therefor:—

County rate in aid of schools.

70.—(1) The municipal council of every organized county shall levy and collect by an equal rate upon the taxable property of the whole county (not included in urban municipalities or annexed to any urban municipality for school purposes) according to the equalized assessments of the municipalities, in the manner provided by this Act and *The Municipal and Assessment Acts*, a sum which shall be at least the equivalent of all special grants made by the Legislative Assembly to the rural schools of the county, and such sum shall be payable to the trustees of the respective schools receiving such legislative special grants in the same proportions as the said special grants are apportioned.

Township grant in aid of schools.

(2) Where the assessed value of all the taxable property of the public school supporters in any township of an organized county is at least equal to an average assessment of \$30,000 for each public school section therein the municipal council of such township shall levy and collect by assessment upon the taxable property of the public school supporters of the whole township in the manner provided by this Act and *The Municipal and Assessment Acts*, the sum of \$300 at least for every public school where a teacher or principal teacher is engaged for a whole year exclusive of vacations, and a proportionate amount of such sum of \$300 at least, where a teacher or principal teacher is engaged for six months or longer; and the additional sum of at least \$200 for an assistant teacher engaged for a whole year exclusive of vacations, and a proportionate amount of such sum of \$200 at least, where an assistant teacher is engaged for six months or longer.

Where assessment is less than \$30,000 for each section.

(3) Where such assessed value is less than an average assessment of \$30,000 for each public school section in any township, the municipal council of such township shall

levy and collect as aforesaid the sum of \$150 at least for every public school where a teacher or principal teacher is engaged for a whole year exclusive of vacations, and a proportionate amount of said sum of \$150 at least where a teacher or principal teacher is engaged for six months or longer; and an additional sum of at least \$100 for every assistant teacher engaged for a whole year exclusive of vacations, and a proportionate amount of such sum of \$100 at least, where such assistant teacher is engaged for six months or longer.

(4) The sums so levied and collected by the council of the township shall, after the expiration of the present calendar year, be applied exclusively to teachers' salaries.

Application
of township
grant to
teachers'
salaries.

(5) In addition to the sum provided by the township council towards each teacher's salary, the trustees of every rural school section shall, in the cases hereinafter mentioned, pay annually, after the expiration of the current calendar year, to the teacher, where there is only one, and to the principal teacher where there are more teachers than one, at least the sum hereinafter mentioned (subject only to a proportionate reduction in case the whole year's salary does not become due), that is to say:

Amounts to
be paid by
trustees to-
ward teachers'
salaries.

- (a) \$200 where the assessed value of the taxable property of the public school supporters in the section is at least \$200,000;
- (b) \$150 where such assessed value is at least \$150,000 but less than \$200,000;
- (c) \$100 where such assessed value is at least \$100,000 but less than \$150,000;
- (d) \$50 where such assessed value is at least \$50,000, but less than \$100,000;
- (e) \$25 where such assessed value is at least \$30,000; but less than \$50,000;

And \$100 to every assistant teacher, whatever such assessed value is.

The said trustees in making their annual estimates and requisitions for school moneys to be levied and collected from the ratepayers, shall include whatever amount, considering their other sources of income, is necessary to provide for such payment or payments.

(6) The public school inspector shall have power to, and shall, suspend the certificate of any teacher in a rural school who agrees to accept a salary of less amount than is herein provided for, or who by rebate, deduction, donation, or other subterfuge accepts a less amount in settlement of his or her claim for salary. The inspector shall forthwith

Suspension of
certificate
for accepting
lower salary.

report such suspension to the Minister of Education, and the suspension shall be continued or dealt with as the Minister deems expedient.

In case the full amount of the salary provided for herein shall not be paid to any teacher by the trustees of a rural school, or if by rebate, deduction, donation or other subterfuge, any such teacher accepts a less amount in settlement of his or her salary the difference between the said full amount provided for herein and the less sum so paid or accepted as aforesaid, shall be deducted by the township treasurer, on the order of the public school inspector, from the amount payable by the township council to the said trustees under subsection 2 or 3 (as the case may be) of this section, and by said treasurer divided equally amongst the other school sections of the township.

Rates for teachers' salaries in union school sections.

(7) In the case of a union school section formed of parts of different townships, the sums herein provided to be levied and collected from the ratepayers by township councils shall be levied and collected as aforesaid by the several councils out of the taxable property of the public school supporters of such union school section, each in the proportion which such taxable property within its jurisdiction bears to the taxable property of public school supporters in the whole union section.

Township grants to union school sections.

(8) In the case of a union school section formed of parts of different townships, the sums mentioned in subsection 2 of this section shall be paid by the respective township councils in proportions to be fixed in accordance with the provisions of section 54 of this Act.

Abatement of amounts payable by county and township.

(9) When any portion of the salary of any teacher in a rural school for any reason does not become payable or is withheld from such teacher in accordance with the terms of this Act, the sums payable respectively by the county, the township or townships, and the ratepayers, on account of such salary, shall abate, in the proportions in which they were respectively liable for the whole.

Amounts required to be raised to be paid over as required.

(10) All moneys hereby required to be levied and collected and applied to the salaries of teachers shall be paid to the treasurers of the respective public school boards from time to time as may be required by the school trustees.

Apportionment in united counties.

(11) The county council of two or more counties united for municipal purposes may apportion the amount to be levied for public school purposes so that each county forming such union shall be liable only for sums payable in respect of public schools within such county.

1 Edw. VII., c. 39, s. 71, subs. 1, amended.

40. Subsection 1 of section 71 of the said Act is hereby amended by inserting after the word "property" in the

second line thereof the words "of the public school supporters" and by striking out all the words in the said subsection after the word "expenses" in the eighth line thereof.

41.—(1) Subsection 1 of section 74 of the said Act is hereby amended by inserting after the word "purchase" in the second line thereof the words "or enlargement." 1 Edw. VII.
c. 39, s. 74,
subs. 1,
amended.

(2) Subsection 2 of section 74 of the said Act is hereby amended by inserting after the word "municipality" where it first occurs in the sixth line thereof the words "Such application must be sanctioned by the ratepayers of the union school section in the manner set forth in the preceding subsection," and by inserting after the word "forming" in the sixth and seventh lines thereof the words "or any portion or portions of which form," and by adding at the end thereof the following paragraph: "The proportion of the moneys payable under said debentures by each of the said municipalities shall be payable out of the taxable property therein lying within the said union school section." 1 Edw. VII.,
c. 39, s. 74,
subs. 2,
amended.

42. Subsection 1 of section 76 of the said Act as enacted by section 5 of the Act passed in the third year of His Majesty's reign, chaptered 32, is hereby amended by inserting after the word "purchase" in the fourth line thereof the words "or enlargement," and by inserting after the word "thereto" in the fifth line thereof the words "or repairs or improvements of the school property." 1 Edw. VII.,
c. 39, s. 76,
subs. 1,
amended.

43. Section 78 of the said Act is hereby amended by striking out all the words thereof after the word "for" in the 7th line thereof, and inserting in place thereof the words following: "any one or more of the following purposes: the purchase or enlargement of a school site, the erection of a school house, or any addition thereto, or the erection of a teacher's residence, or any addition thereto, and any sum so borrowed shall be applied only to the purpose or purposes for which it was borrowed." 1 Edw. VII.,
c. 39, s. 78,
amended.

44. Subsection 3 of section 80 of the said Act is hereby amended by adding thereto the following: "or when for any reason his engagement has ceased." 1 Edw. VII.,
c. 39, s. 80,
subs. 3,
amended.

45.—(1) Subsection 1 of section 83 of the said Act is hereby amended by inserting after the word "qualification" in the seventh line thereof the words: "and actually engaged in teaching having had at least three years' experience as a teacher in one or more of the public or separate schools of the Province." 1 Edw. VII.,
c. 39, s. 83,
subs. 1,
amended.

(2) Subsection 5 of said section 83 is hereby repealed.

1 Edw. VII.,
c. 39, s. 83,
subs. 5,
repealed.

1 Edw. VII.,
c. 39, s. 86,
subs. 3-6,
repealed.

46. Subsections 3, 4, 5 and 6 of section 86 of the said Act are hereby repealed and the following subsections substituted therefor:

County
inspectors,
appointment
of.

(3) The municipal council of each county shall appoint one or more public school inspectors for such county. The number appointed shall be such that no inspector shall have charge of more than one hundred and forty schools or departments, with separate registers, or less than fifty, except as hereinafter provided.

Limit of
number of
schools under
each inspector.

(4) When more than one inspector is appointed for any county, the county council shall prescribe and number the territorial divisions of each, in such manner that no inspector shall have charge of more than one hundred and twenty or less than fifty schools except as hereinafter provided. The council may change or remove the inspectors from one division of the county to another whenever they deem it expedient.

Towns not
separated
from the
county.

(5) Each inspector shall have charge of all the public schools of any town not separated from the county in the district to which he has been appointed; but this shall only apply to the towns referred to in subsection 9 of this section when the office of inspector in such towns becomes vacant.

Limit where
French or
German is
prevailing
language.

(6) In a county containing any municipality wherein the French or German language is the common or prevailing language, the inspector in whose division such municipality lies may have charge of less than fifty schools but not less than forty.

Appointment
of inspectors
for each elec-
toral division.

(6a) Notwithstanding anything hereinbefore contained, in any county divided into electoral divisions, the county council may in its discretion appoint an inspector for each or any of the said divisions and in such case the inspector appointed to any electoral division may have charge of all the public schools therein whatever their number, except in cities or towns separated from the county, or in the towns referred to in subsection 9 of this section while the present inspectors continue in office in said last mentioned towns, but as soon as such last named inspectorships become vacant the inspectors appointed by the council as aforesaid shall take charge of the schools in such last mentioned towns.

1 Edw. VII.,
c. 39, s. 86,
subs. 8,
repealed.

47. Subsection 8 of section 86 of the said Act is hereby repealed and the following substituted therefor:—

Remuneration
of county
inspectors.

(8) The county council shall pay in equal quarterly instalments to every county inspector, the annual sum of \$6 for each teacher occupying a separate room with a separate register, and such additional sum as it deems reason-

able for travelling expenses, which additional sum shall never be less than \$150 per annum, with \$1.50 added for each school under his charge exceeding 50 in number. The county council shall also pay to every county inspector his reasonable expenses for postage and stationery, and in case of dispute the amount thereof shall be settled by the county judge, upon the application of the inspector or of the said council, and the decision of the said county judge shall be final.

48. Subsection 10 of section 86 of the said Act is hereby repealed and the following substituted therefor:—

1 Edw. VII.,
c. 39, s. 86,
subs. 10,
repealed

(10) Out of any sum of money appropriated by the Legislature for that purpose, the sum of \$800 shall be paid as the Lieutenant-Governor in Council may direct, towards the salary of every county inspector, and the sum of \$5 for every teacher occupying a separate room with a separate register shall be paid, as the Lieutenant-Governor in Council may direct, to the school board of every city or town separated from the county, towards the payment of the salary of the inspector of such city or town.

Remuneration
of inspectors.

Maximum
salary of
county
inspectors.

49. Subsection 12 of section 86 of the said Act is hereby amended by inserting after the word "or" in the third line thereof the words "subject to the approval of the Lieutenant-Governor in Council," and by striking out the words "or without cause by a vote of two-thirds of such council or board" in the fourth and fifth lines thereof.

1 Edw. VII.,
c. 39, s. 86,
subs. 12,
amended.

50. Subsection 3 of section 87 of the said Act is hereby amended by adding thereto the following as paragraph (e):

1 Edw. VII.,
c. 39, s. 87,
subs. 3,
amended.

"(e) The inspector shall not, however, withhold his order for the amount apportioned from the legislative or municipal grant, nor shall the teacher's salary be withheld by reason of any school being kept open for less than six months of the year when such school has been closed by order of the health officer on account of any contagious disease or diseases."

51. Subsection 7 of section 93 of the said Act is hereby amended by striking out the figures "87" where they occur in the second and third lines thereof and substituting therefor the figures "91" and by striking out the figures "89" in the fourth line thereof and substituting therefor the figures "93."

1 Edw. VII.,
c. 39, s. 93,
subs. 7,
amended.

52. Subsection 3 of section 95 of the said Act is hereby amended by striking out the word "any" in the fifth line thereof and substituting therefor the word "the" and by

1 Edw. VII.,
c. 39, s. 95,
subs. 3,
amended.

inserting after the word "trustees" in the said fifth line the words "of the last named section" and by inserting after the word "remit" in the said fifth line the words "the whole or any part of the said rates, not exceeding the amount of."

1 Edw. VII.,
c. 39, s. 95,
subs. 5,
amended.

53. Subsection 5 of section 95 of the said Act is hereby amended by striking out the last two words in the fourth line thereof and the first word of the fifth line thereof, and by inserting after the word "purposes" in the sixth line thereof the words: "or so much thereof."

1 Edw. VII.,
c. 39, s. 98,
subs. 3,
amended.

54. Subsection 3 of section 98 of the said Act is hereby amended by inserting after the word "thereto" in the sixth line thereof the following: "He shall also certify under his hand to the Minister of Education a true copy of the said summons, statement of claim, proceedings, evidence, judgment and objections," and by striking out the word "hereinafter" in the sixth line thereof and substituting therefor the word "hereinbefore."

1 Edw. VII.,
c. 39, s. 98,
subs. 4,
amended.

55. Subsection 4 of said section 98 is hereby amended by striking out all the words therein from the commencement thereof down to and including the word "thereto" in the sixth line thereof.

1 Edw. VII.,
c. 39, s. 101,
amended.

56. Section 101 of the said Act is hereby amended by striking out the words "for its use" at the end thereof, and substituting therefor the words "and applied by them to school purposes."

1 Edw. VII.,
c. 39, s. 104,
amended.

57. Section 104 of the said Act is hereby amended by inserting after the word "the" in the fifth line thereof the words "municipality or" and by inserting after the word "and" in the sixth line thereof the words "except in cases falling within the provisions of subsection 2 of section 62 of this Act."

1 Edw. VII.,
c. 39, s. 105,
amended.

58. Section 105 of the said Act is hereby amended by striking out the word "may" in the tenth line thereof and substituting therefor the words "shall on proof of the facts" and by inserting after the word "and" in the eleventh line thereof the words: "except in an urban municipality when the trustees notify him that they have decided to allow the office to remain vacant pursuant to the provisions of subsection 2 of section 62 of this Act. shall"

1 Edw. VII.,
c. 39, s. 106,
amended.

59. Section 106 of the said Act is hereby amended by inserting after the word "publication" at the end of the fourth line thereof the words "in which any advertisement is inserted in the regular course of business or."

60. Section 113 of the said Act is hereby amended by striking out all the words in the eighth line thereof after the word "by" and inserting in place thereof the words: "the public school corporation or any ratepayer or ratepayers interested therein suing on behalf of himself or themselves and all other ratepayers of the school section or municipality interested therein."

1 Edw. VII.
c. 39, s. 113,
amended.

61.—(1) Subsection 2 of section 115 of the said Act is hereby amended by inserting after the word "order" in the second line thereof the words "or a true copy thereof."

1 Edw. VII.,
c. 39, s. 115,
subs. 2,
amended.

(2) Subsection 3 of said section 115 is hereby amended by inserting after the word "appointed" in the first line thereof the words "or at a time and place to which the application may then in the discretion of the judge be adjourned."

1 Edw. VII.
c. 39, s. 115,
subs. 3,
amended.

(3) Subsection 4 of said section 115 is hereby amended by adding thereto the following paragraph: "It is shall be competent, however, for the judge, upon proof that such person has done all in his power and it has become impossible for him to deliver up, account for or pay over the books, papers, chattels or moneys aforesaid in manner aforesaid, to order his discharge on such terms or conditions as may appear just."

1 Edw. VII.,
c. 39, s. 115,
subs. 4,
amended.

62. Section 116 of the said Act is hereby amended by inserting after the word "ratepayer" in the last line thereof the words "any trustee, secretary or treasurer so refusing."

1 Edw. VII.,
c. 39, s. 116,
amended.

63. Subsection 1 of section 121 of the said Act is hereby amended by inserting after the word "shall" in the third line thereof the words "sell or."

1 Edw. VII.,
c. 39, s. 121,
subs. 1,
amended.

AN ACT TO AMEND THE DEPARTMENT OF EDUCATION ACT.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of *The Department of Education Act* is amended by striking out the words "Ontario Normal College" in the fifth and sixth lines and inserting therein after the word "Libraries" in the sixth line the words "travelling libraries, summer and vacation schools, school cadet corps."

6 Edw. VII.,
c. 52, s. 3,
amended.

Jurisdiction of
department.

6 Edw. VII.,
c. 52, s. 4,
subs. 4,
amended.

2. Subsection 4 of section 4 of the said Act is amended by adding at the end thereof the words "and for the preparation of school plans and specifications."

6 Edw. VII.,
c. 52, s. 4,
subs. 6, 7,
repealed.

3. Subsections 6 and 7 of section 4 of the said Act are repealed, and the following substituted therefor:

Affiliating
other institu-
tions with
universities.

(6) For affiliating with the Universities or the Normal schools such Collegiate Institutes, High Schools, Public Schools or Separate Schools as he may deem necessary for practical instruction in the art of teaching;

Accepting
courses in
faculty of
education for
professional
training.

(7) For accepting such courses and examinations of the Faculty of Education of an Ontario University as he may deem adequate for the professional training of first-class teachers and High School assistant teachers.

6 Edw. VII.,
c. 52, s. 23,
subs. 1-8
repealed.

4. Subsections 1, 2, 3, 4, 5, 6, 7, and 8 of section 23 of the said Act were repealed and the following subsections substituted therefor:

Duties of
Minister.

Apportionment
of grant for
Urban Schools.

(1) To apportion all sums of money, voted by the Legislative Assembly as a general grant for Urban, Public and Separate Schools among the several cities, towns and incorporated villages according to the population of each as compared with the population of all the urban municipalities in the Province according to the last annual returns received from municipal clerks.

Division
between Public
and Separate
Schools.

(2) To divide the amount so apportioned to each city, town and incorporated village between the Public and Separate Schools therein according to the average number of pupils attending such schools respectively during the next preceding calendar year, or during the number of months which may have elapsed from the establishment of a new Public or Separate School as compared with the whole average number of pupils attending school in the same city, town or village, and to pay the money so apportioned to the Public Schools of each city, town and incorporated village to the municipal treasurer thereof, and the money so apportioned to the Separate Schools direct to the Separate School Trustees concerned on or before the first day of July in each year as the Lieutenant-Governor in Council may direct.

Apportionment
or grant for
rural schools.

(3) Subject to the regulations of the Department of Education, to apportion all sums of money voted by the Legislative Assembly as a general

grant for the rural Public and Separate Schools in the organized counties and districts amongst said rural schools in the organized counties and in the districts respectively on the basis of the salaries paid to the teachers, the value of the equipment, the character of the accommodations, the grade of the teachers' professional certificates, and the amount of the assessments.

- (4) The grant for the rural Public and Separate Schools in the organized counties shall be payable on or before the first day of August, as the Lieutenant-Governor in Council may direct, to the treasurer of each county, and through him (except when the county treasurer acts as sub-treasurer also) to the various township treasurers of the county, for payment to the respective Boards of Rural Public and Separate School Trustees upon the warrants of the Public or Separate School Inspectors concerned.

When grants to rural schools payable.

- (5) Subject to the Regulations of the Department of Education, the grants for the Rural Public and Separate Schools in the districts shall be payable in two instalments direct to the respective boards of trustees as the Lieutenant-Governor in Council may direct; the first instalment on or before the first day of August, and the second on or before the first day of December.

Grants for rural schools to be payable in two instalments.

- (6) Under the provisions of such regulations as may be made by the Department of Education, to apportion to Public and Separate School Boards in poor rural districts, and to the residents of lumber, mining, and other settlements all sums of money voted by the Legislative Assembly for teachers' salaries to Public and Separate School Boards in poor rural districts, and for such other school purposes as the Minister of Education may consider expedient.

Apportionment of grants to poor schools.

5. Subsection 10 of section 23 of the said Act is repealed and the following substituted therefor:

6 Edw. VII., c. 52, s. 23 subs. 10 repealed.

- (10) Subject to the Regulations of the Department of Education, to apportion out of any grants made by the Legislative Assembly for such purposes, all sums payable under any Statute or regulation of the Department in that behalf towards the maintenance of Faculties of Education in any of the Universities, the Normal Schools or other Schools or Institutes for the Training of Teachers, Continuation Classes, Consolidated

Apportionment of grant made to Normal Schools.

Schools, Technical Schools, Manual Training Departments, Household Science Departments, Instruction in Agriculture, School Gardens, Kindergartens, Night Schools, Public Libraries, Art Schools, Inspection of Schools, the Examination of Teachers, and all other Incidental Departmental Expenses; also to apportion under the provisions of such regulations as may be made by Order-in-Council all sums of money voted by the Legislative Assembly for aiding Public and Separate School Boards in rural districts to furnish text-books free of cost, and for paying the Public and High School Boards sums in aid of cadet corps, which have been established according to the Regulations of the Department of Education.

6 Edw. VII.,
c. 52, s. 23,
amended.

6. The said section 23 is amended by inserting therein the following subsection:

Accepting
other qualifi-
cations in lieu
of department-
al examina-
tions.

10a. To accept in lieu of the Departmental Examinations such evidence of Academic Scholarship or professional training or experience as he may deem equivalent to what is prescribed for teachers' certificates.

Repeal of in-
consistent
enactments.

7. All Acts and parts of Acts heretofore enacted by the Legislative Assembly of the Province of Ontario, in so far as they are inconsistent with the provisions of this Act, are repealed.

AN ACT TO AMEND THE PUBLIC SCHOOLS ACT.

Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1 Edw. VII.,
c. 39, s. 6,
amended.

1. Section 6 of *The Public Schools Act* is amended by adding thereto the following, as subsection 2:

Right of
immigrant
children to
attend schools.

(2) Every corporation, society, agent or person having the custody of any child heretofore or hereafter brought into the Province of Ontario, shall be entitled to send such child to the Public or Separate School of the municipality or school section in which the child resides, as if he were the child of a ratepayer in such municipality or school section; and every such corporation, society, agent or person having the custody of

such child shall be subject to the Acts respecting truancy and compulsory attendance at school, and to the penalties imposed by such Acts in the same manner and to the same extent as any ratepayer.

2. Section 8 of the said Act is amended by adding there- 1 Edw. VII.,
c. 39, s. 8,
amended. to the following as subsection 7:—

(7) Where the Board of Trustees of a union school section establishes continuation classes in the union school, or joins with one or more other Boards of Trustees in establishing such classes as hereinafter provided, the Municipal Council of each municipality having a whole or part of its territory within the union school section shall levy and collect upon the taxable property of such union school section its jurisdiction, its proper share of the expense of establishing and maintaining the said continuation classes according to the equalized assessment of each portion of the said union school section in the respective municipalities. Continuation
classes—rate
to be levied
for.

3. Subsection 5 of section 12 of the said Act as amended by section 9 of the Act passed in the sixth year of His Majesty's reign, Chaptered 53, is further amended by striking out the words "the formation of such section" in the sixth line of said section 9 and inserting in lieu thereof the words "time for appealing against the by-law forming such section has expired or after the final disposition of the appeal, if any," and by adding at the end of the said subsection the words "at any time after a Board of Trustees has been elected, they may take the proper steps under the provisions of this Act to raise funds for and purchase a school site and erect school buildings." 1 Edw. VII.,
c. 39, s. 12,
subs. 5,
amended.

4. Section 16 of *The Public Schools Act* is amended by adding the following as subsections 2 and 3:— 1 Edw. VII.,
c. 39, s. 16,
amended.

(2) Where after the resignation of a rural School trustee he has continued to act for three months without his right to do so being called in question by proceedings to vacate his seat, or for the holding of a new election, he shall be deemed to have continued to be a trustee notwithstanding his resignation, and shall hold office for the residue of the term for which he was elected. Trustee resign-
ing, but con-
tinuing to
act.

(3) The preceding subsection (2) shall apply retrospectively.

5. Section 21 of the said Act is amended by adding at the end thereof the following: 1 Edw. VII.,
c. 39, s. 21,
amended.

“And the Township Council shall pay to the trustees
 “of such rural school section their actual dis-
 “bursements for the maintenance of their pupils
 “at, and the transportation of their pupils to
 “and from the school they attend, not exceeding
 “the minimum sum required by subsections 2.
 “3 and 4 of section 70 of this Act, to be levied,
 “collected and applied to teachers’ salaries in
 “school sections where the schools are main-
 “tained.

“The said trustees shall also be entitled to receive such
 “share of the legislative and county grants as
 “may be determined by the Minister of Educa-
 “tion in case the amount received from the
 “Township Council is not sufficient to cover the
 “said actual disbursements.”

1 Edw. VII.,
 c. 39, s. 25,
 subs. 5,
 amended.

6. Subsection 5 of section 25 of the said Act is amended by adding at the end thereof the words:

“and may at any time after their election take the proper steps in accordance with the provisions of this Act, to raise funds for and purchase a school site and erect school buildings.”

7. *The Public Schools Act* is further amended by inserting therein the following as section 29a:—

1 Edw. VII.,
 c. 39,
 amended.

Collection of
 arrears of
 taxes in un-
 organized
 territory.

29a.—(1) Every collector shall, on or before the first day of June in the year following the year in which any school rate becomes due and payable in an unorganized township in a Provisional Judicial District, make a return to the sheriff of the district, showing each lot or parcel assessed, upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrears at the date of such return with the year for which the rates so in arrear were imposed.

Sheriff to
 enter particu-
 lars in book.

(2) The sheriff shall enter in the book to be kept by him for that purpose the particulars furnished by the collector as aforesaid.

Payments of
 arrears there-
 after.

(3) The collector shall not receive any payments on account of school rates so in arrear after the expiration of two years from the date when the same became due and chargeable, but in the case of payments made before the expiration of the period of two years the collector shall forthwith notify the sheriff thereof and the sheriff shall enter such payment against the proper lot or parcel in the book to be kept by him for the purpose. After the expiration of the said period of two years all such arrears shall be payable to the sheriff and the sheriff shall enter such

payment in the book kept by him as aforesaid and shall return the amount so paid to the secretary-treasurer of the Public School Board.

(4) Whenever it appears from the entries in the book to be kept by the sheriff as aforesaid that any school rate is in arrear for three years from the 31st day of December in the year in which the same became payable the sheriff shall proceed to collect the same by the sale of the lands assessed and the procedure in relation to such sale and the provisions applicable to deeds, the redemption of lands thereafter and deeds to be given to the tax purchasers shall be the same as nearly as possible as in the case of the sale of lands by the sheriff for arrears of taxes in organized municipalities in a Provisional Judicial District.

8. Subsection 1 of section 37 of *The Public Schools Act* is amended by adding at the end thereof the following words: 1 Edw. VII., c. 39, s. 37, subs. 1, amended.

“Unless a suitable school site cannot be obtained at such a distance, and in case of dispute under this subsection as to the location of a school site, the matter shall be referred to the County Judge, whose decision shall be final and shall not be subject to appeal.”

9. Section 41 of the said Act is amended by inserting after the word “years” in the fifth line of paragraph 3 of the said section the words: 1 Edw. VII., c. 39, s. 41, amended.

“except a by-law to consolidate two or more sections for the purpose of providing a central school which shall, unless set aside as aforesaid, remain in force for a period of at least three years,” and

By inserting after the word “effect” in the second line of paragraph 3 of section 41, the words “except as herein otherwise provided.”

10. Subsection 3 of section 42 of the said Act is amended by inserting the words “except as herein otherwise provided” after the word “effect” in the ninth line. 1 Edw. VII., c. 39, s. 42, subs. 3, amended.

11. Section 42 of the said Act is amended by adding thereto the following as subsection 6: 1 Edw. VII., c. 39, s. 42, amended.

(6) In any judicial or territorial district the appeal shall be to a Board of three arbitrators, which shall be composed of the Senior District Judge, or some person appointed by him for that purpose, the Public School Inspector and some person appointed by the Township Council. The Appeals as to alteration of school boundaries in districts.

notice of appeal shall be given to the Clerk of the Township, the Public School Inspector, and the said Senior District Judge. The Township Council at its first meeting after service of such notice upon the Township Clerk, shall appoint an arbitrator to be a member of the said Board, and the Clerk of the Township shall forthwith notify the Public School Inspector of such appointment.

The said Senior District Judge shall, upon receipt of the notice of appeal, notify the Public School Inspector of his willingness to act as arbitrator as aforesaid, or shall appoint some person to act in his stead, and notify the Public School Inspector of such appointment.

When the Board of Arbitrators is complete the Senior District Judge, or his said appointee, shall convene the first meeting of the Board, and shall be chairman thereof. All the provisions of the preceding subsections of this section shall, so far as they are applicable, be binding upon the said Board of Arbitrators and upon all parties concerned.

1 Edw. VII.,
c. 39, s. 45.
6 Edw. VII.,
c. 53, s. 29,
amended.

12. Subsection 4 of section 45 of the said Act as enacted by section 29 of the Acts passed in the 6th year of His Majesty's reign, Chaptered 53, is amended by adding the following paragraph:—

Jurisdiction of
County or
District Judge.

“Provided, however, that if such question arises touching any arbitration or award to which the County or District Judge has been a party, the said summary application shall be heard and determined by the Judge of the adjoining County or District having the largest population according to the last Dominion census.”

1 Edw. VII.,
c. 39, s. 46,
subs. 10,
amended.

13. Subsection 10 of section 46 of *The Public Schools Act* is amended by inserting after the word “effect” in the first line the words “except as herein otherwise provided,” and by adding at the end of the said subsection the words “but the Trustees may at any time after their election take the proper steps in accordance with the provisions of this Act to raise funds for and purchase a school site and erect school buildings.”

1 Edw. VII.,
c. 39, s. 65,
subs. 5,
amended.

14. Subsection 5 of section 65 of the said Act is amended by adding thereto the following:—

“In any of the Districts, subject to any appeal to the Minister of Education, the Public School Inspector may determine the length of time,

“which shall not be less than six months, during which a school shall be maintained each year, and it shall be the duty of the trustees to maintain such school during the whole of the time so determined.”

15. Section 65 of the said Act is amended by adding thereto the following as paragraphs 14, 15 and 16: 1 Edw. VII., c. 39, s. 65, amended.

(14) To provide in their discretion and pay for dental and medical inspection of pupils. Duties and powers of Trustees.

(15) To permit the school house and premises to be used for any educational or other lawful purpose which, in their discretion, they think proper, providing the proper conduct of the school is not interfered with.

(16) Subject to the regulations of the Department of Education to establish, conduct and maintain free evening lectures to the citizens at large, and in such case to include in their estimate for the current year the expense thereof which shall be treated as part of the expenses of the school or schools under their charge.

16. Section 68 of the said Act as enacted by section 38 of the Act passed in the sixth year of His Majesty's reign, Chaptered 53, is amended by inserting therein the two following subsections as subsections 2a and 2b:—

“2a. A notice for lands, as aforesaid, may be desisted from at any time before any evidence is taken as to the value of the said lands, before the arbitrators appointed under this section, and in such case a new notice may be given with regard to the same or other lands to the same or any other owner, but in such case the School Board or Board of Education giving the notice so desisted from, shall pay to the owner to whom such notice was given, all damages and costs by him incurred in consequence of such notice having been given: provided, however, that the right of desistment shall not be exercised more than once.”

“2b. Where the notice provided for in subsection 2 of this section has been registered in the registry office of the urban municipality in which the land is situated, the notice of desistment may be similarly recorded, and such registration shall cancel the notice so recorded and be a notice to all persons whomsoever that the expropriation proceedings under the said first named notice have been desisted from.”

1 Edw. VII.
c. 39, s. 69.
repealed.

17. Section 69 of the said Act is repealed and the following substituted therefor:—

Grant for
encouragement
of physical
training.

69. (1) Every Urban School Board shall have power to expend such sums as they may deem expedient in promoting and encouraging gymnastics and other athletic exercises provided such sums shall not exceed two hundred dollars per annum when the annual registered attendance of pupils does not exceed 3,000 and \$50 additional for each additional thousand in attendance.

(2) Such Board may also provide uniforms for classes in military drill.

(3) Where a Board of Education has been established in any city or town, the allowance for games to High Schools and Public Schools may be consolidated, and games for the High Schools and Public Schools held on the same day.

1 Edw. VII.,
c. 39, s. 71,
subs. 1,
amended.

18. Subsection 1 of section 71 of the said Act is amended by adding thereto the following paragraphs:—

Annual
accounts.

“Every Municipal Council shall annually account for
“all monies collected under any rate for Public
“School purposes. In urban municipalities such
“accounts shall be rendered on demand to the
“Board of Education or to the Board of School
“Trustees. In rural municipalities the account
“for each school section shall be rendered on
“demand to the Secretary of the school section.”

“In case the Municipal Council at any time has col-
“lected from the Public School supporters of
“any municipality or school section any sum in
“excess of the sums disbursed on account of the
“Public School or schools within such muni-
“cipality or school section, the sums so in ex-
“cess shall be credited to the Board of Educa-
“tion or the Board of School Trustees on whose
“account such excess has been collected.”

1 Edw. VII.,
c. 39, s. 70,
subs. 1-6,
repealed.

19. Subsections 1, 2, 3, 4, 5 and 6 of section 70 of the said Act, as enacted by section 39 of the Act passed in the 6th year of His Majesty's reign, Chaptered 53 is repealed, and the following substituted therefor:—

Amount to be
raised by
county for
rural schools.

70 (1) The Municipal Council of every organized county shall levy and collect by an equal rate upon the taxable property of the whole county, (not included in urban municipalities or annexed to any urban municipality for school purposes) according to the equalized assessments of the muni-

icipalities as made for the purposes of county rates in the manner provided by this Act and the *Municipal and Assessment Acts*, a sum which shall be equal to at least that portion of the legislative grant which is apportioned by the Minister of Education on the basis of the equipment and accommodations of the rural Schools of the county, and such sums shall be payable to the Trustees of the respective schools receiving such legislative grants in the same proportions as the said grants are apportioned.

- (2) Where the assessed value according to the equalized assessments aforesaid of all the taxable property of the Public School supporters in any township in an organized county, is at least equal to an average assessment of \$30,000 for each Public School section therein the Municipal Council of such township shall, each year, levy and collect by assessment upon the taxable property of the Public School supporters of the whole township (not included in urban municipalities or annexed to any urban municipality for school purposes) in the manner provided by this Act and the *Municipal and Assessment Acts*, the sum of \$300 at least for every Public School where the teacher or principal teacher is engaged for a whole year exclusive of vacations, and a proportionate amount of such sum of \$300 at least where a teacher or principal teacher is engaged for six months or longer; and the additional sum of at least \$200 for every assistant teacher engaged for a whole year exclusive of vacations, and a proportionate amount of such sum of \$200 at least for every assistant teacher engaged for 6 months or longer.
- (3) In every organized county where such assessed value, according to the equalized assessment aforesaid is less than an average annual assessment of \$30,000 for each Public School section in any township, and in every organized township in the territorial or judicial districts, whatever its assessments may be, the Municipal Council of such township shall, each year, levy and collect as aforesaid the sum of \$150 at least for every Public School where a teacher or principal teacher is engaged for a whole year exclusive of vacations, and a proportionate amount of said sum of \$150 at least where a teacher or principal teacher is engaged for 6 months or longer; and an additional sum of at least \$100 for every assistant teacher engaged

Amount to be raised by townships for teachers' salaries.

for a whole year exclusive of vacations, and a proportionate amount of such sum of \$100 at least where such assistant teacher is engaged for 6 months or longer.

- (4) The sums so levied and collected by the council of the township shall be applied exclusively to teachers' salaries.

1 Edw. VII.,
c. 39, s. 70,
subs. 8,
amended.

20. Subsection 8 of section 70 of *The Public Schools Act* is amended by inserting "and 3" after the figure "2" in the second line of the said subsection 8.

1 Edw. VII.,
c. 39, s. 70,
subs. 9,
amended.

21. Subsection 9 of the said section 70 is amended by inserting after the word "ratepayers" in the fifth line, the words "and out of the legislative grant."

1 Edw. VII.,
c. 39, s. 70,
amended.

22. The said section 70 is amended by adding thereto the following as a new subsection:

Reckoning
number of
principal and
assistant
teachers
in central
schools.

- (3) Where two or more school sections are consolidated for the purpose of providing a central school, all the teachers in the said central school shall, for the purposes of this section, be deemed principal teachers unless their number is greater than the number of sections consolidated, in which case the number of teachers in excess of the number of school sections aforesaid shall, for the purposes of this section, be deemed assistant teachers.

1 Edw. VII.,
c. 39, s. 73,
amended.

23 Section 73 of *The Public School Act* is amended by adding thereto the following subsection:—

Clerk to fur-
nish inspector
with school
statistics.

- (2) It shall be the duty of the clerk of every county to furnish the Public School Inspector forthwith on demand with such school statistics in regard to assessments as the Minister of Education may direct.

1 Edw. VII.,
c. 39, s. 80,
subs. 8,
amended.

24. Subsection 8 of section 80 of the said Act is amended by inserting after the word "disease" in the third line the words "or consumption."

1 Edw. VII.,
c. 39, s. 86,
subs. 3,
amended.

25. Subsection 3 of section 86 of the said Act as enacted by section 46 of the said Act, passed in the 6th year of His Majesty's reign, Chaptered 53, is amended by adding at the end of the said subsection 3 the following paragraph:—

Approval of
appointment
of additional
inspector.

In any county in which any Public School Inspector has charge of less than 140 schools or departments with separate registers the appointment of an additional Inspector shall be subject to the approval of the Lieutenant-Governor in Council.

26. Subsection 8 of section 86 of *The Public Schools Act*,^{1 Edw. VII., c. 39, s. 86, subs. 8, amended.} as enacted by section 47 of the said Act, passed in the 6th year of His Majesty's reign, is amended by inserting before the word "postage" in the ninth line the word "printing."

27. Subsection 6 of section 87 of *The Public Schools Act*^{1 Edw. VII., c. 39, s. 87, amended.} is amended by striking out the words "at his discretion" in the first line and substituting therefor the words "subject to the approval of the Minister of Education."

SECTION 40 OF THE STATUTE LAW AMENDMENT ACT, 1907.

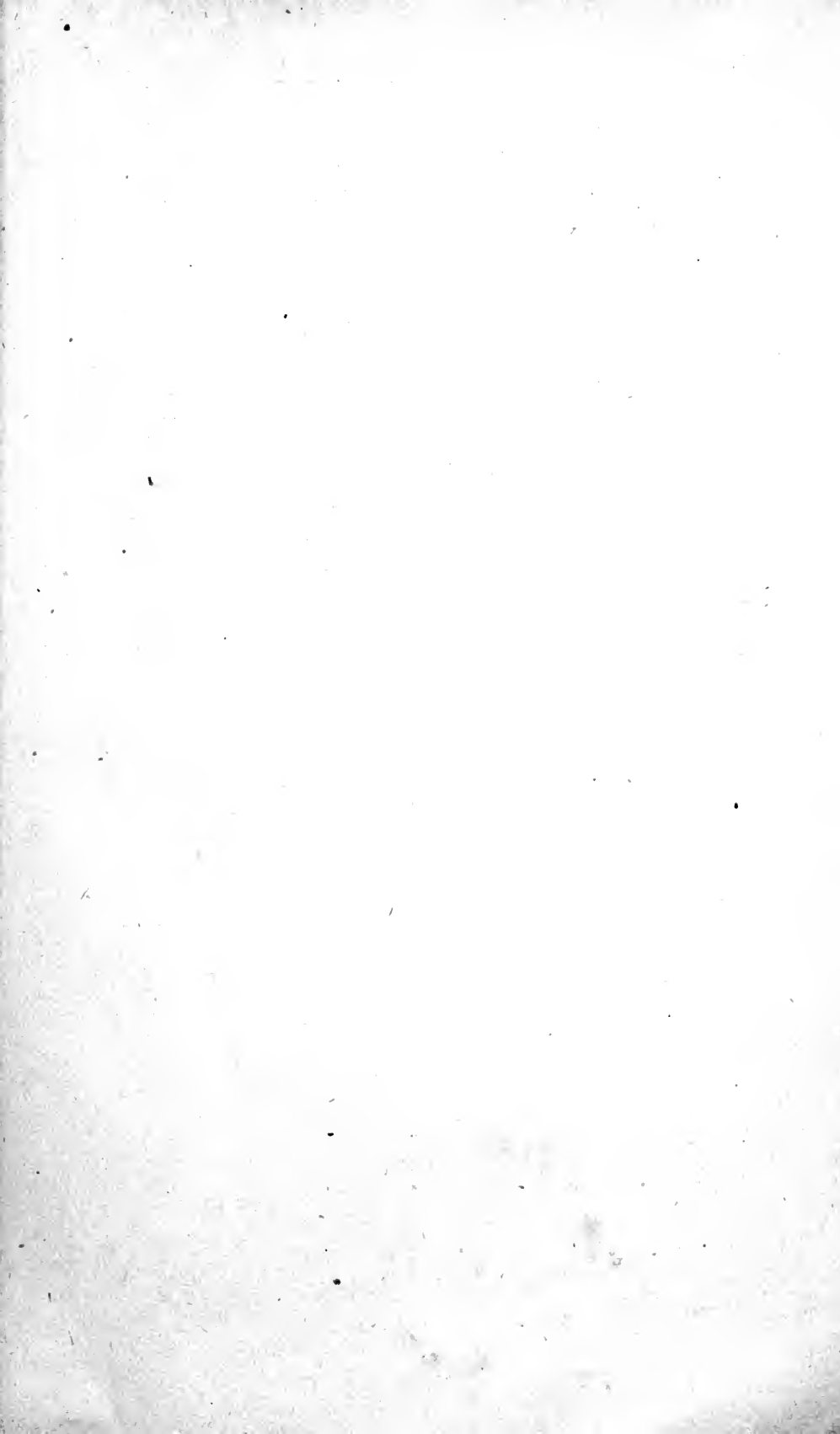
Assented to 20th April, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

40. Notwithstanding anything contained in section 34^{Method of ascertaining amount payable under} of *The High Schools Act* and the amendments thereto, the liability of any municipality under subsections 6, 7 or 9^{1 Edw. VII., c. 40, s. 34, subs. 6, 7, 9.} of the said section as amended shall be determined as follows:—

From the total cost of maintenance of the High School there shall be deducted the amount of the legislative grant, —the remainder shall be divided by a number representing the total number of days' attendance of all pupils at such High School during the year for which payment is to be made and the resulting amount shall be multiplied by the total number of days' attendance of pupils in respect of whom such municipality is liable, the percentage mentioned in the subsection under which payment is to be made shall then be determined, and from this amount the fees paid by such pupils shall be deducted, and the resulting amount shall be the amount payable by such municipality.









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